

EXHIBIT 1

JAMES v. HILLIARD HAMPTON, ET AL.

DEBORAH LYNN EVANS GREEN

August 11, 2017

Prepared for you by



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DEBORAH LYNN EVANS GREEN

August 11, 2017

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION</p> <p>SYLVIA JAMES, Plaintiff, vs. Case No. 2:12-cv-10273 Hon. Paul D. Borman Magistrate Judge R. Steven Whalen HILLIARD HAMPTON, et al., Defendants.</p> <hr/> <p>The Deposition of DEBORAH LYNN EVANS GREEN, Taken 3030 W. Grand Boulevard, 10th Floor, Detroit, Michigan, Commencing at 9:25 a.m., Friday, August 11, 2017, Before Sharon Campbell, CSR-3406.</p>	<p style="text-align: right;">Page 3</p> <p>1 BRETT A. ASHER 2 The Mike Cox Law Firm, PLLC 3 17430 Laurel Park Drive North 4 Suite 120E 5 Livonia, Michigan 48152 6 734.591.4002 7 basher@mikecoxlaw.com 8 Appearing on behalf of the Defendant, Anderson. 9 10 ADAM T. RATLIFF 11 Warner, Norcross & Judd, LLP 12 111 Lyon Street NW 13 Grand Rapids, Michigan 49503-2487 14 616.752.2539 15 aratliff@wnj.com 16 Appearing on behalf of the Defendant, Fischer. 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 JASON R. HIRSCH 4 Morganroth & Morganroth, PLLC 5 344 North Old Woodward Avenue 6 Suite 200 7 Birmingham, Michigan 48009 8 248.864.4000 9 jhirsch@morganrothlaw.com 10 Appearing on behalf of the Plaintiff. 11 12 JEANMARIE MILLER 13 Michigan Attorney General 14 PO Box 30736 15 Lansing, Michigan 48909 16 517.373.6434 17 millerj51@michigan.gov 18 Appearing on behalf of the Defendant, JTC, Washington, 19 and Green. 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 TABLE OF CONTENTS 2 3 WITNESS PAGE 4 DEBORAH LYNN EVANS GREEN 5 6 EXAMINATION 7 BY MR. HIRSCH: 5 8 9 EXHIBITS 10 11 Exhibit Page 12 (Exhibits attached to transcript.) 13 14 DEPOSITION EXHIBIT 1 16 15 DEPOSITION EXHIBIT 2 56 16 DEPOSITION EXHIBIT 3 58 17 DEPOSITION EXHIBIT 4 63 18 DEPOSITION EXHIBIT 5 79 19 20 21 22 23 24 25</p>

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1 Detroit, Michigan
2 Friday, August 11, 2017
3 9:25 a.m.
4
5 DEBORAH LYNN EVANS GREEN,
6 was thereupon called as a witness herein, and after
7 having first been duly sworn to testify to the truth,
8 the whole truth and nothing but the truth, was
9 examined and testified as follows:
10 MR. HIRSCH: Good morning. My name is
11 Jason Hirsch. I'm one of the attorneys for the
12 plaintiff in this matter. Let the record show that
13 this is the deposition of Deborah Green taken pursuant
14 to notice under the Federal Rules of Civil Procedure.
15 EXAMINATION
16 BY MR. HIRSCH:
17 Q. Ms. Green, I will be asking you a series of questions.
18 You were just sworn in. You understand your answers
19 are under oath?
20 A. Yes.
21 Q. And please answer verbally so that we can make sure
22 your answer gets recorded, okay?
23 A. Yes.
24 Q. And if at any time you don't understand a question,
25 please say so and I will try to clarify, okay?

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1 Q. That would be a BA in history?
2 A. Correct.
3 Q. And you attended law school, correct?
4 A. Correct.
5 Q. And that was at Wayne State University, correct?
6 A. Correct.
7 Q. And when did you get your law degree?
8 A. 1984.
9 Q. That would be a JD, correct?
10 A. Correct.
11 Q. And are you a member of the State Bar of Michigan?
12 A. Yes.
13 Q. Are you a member of the state bars of any other
14 states?
15 A. No.
16 Q. Are you admitted to any Federal courts?
17 A. No. I think I used to be, but I'm not now.
18 Q. Where did you used to be admitted?
19 A. A long, long, long time ago I started out at Miller
20 Canfield, and I believe I was admitted to the 6th
21 Circuit in Cincinnati just as an associate on some
22 long ago case. That's my memory talking.
23 Q. Have you ever been subject to any professional
24 discipline?
25 A. No.

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1 A. Yes.
2 Q. And please make sure to let me finish my entire
3 question before you answer, both to make sure that you
4 understand my question and because the court reporter
5 can't record two of us talking at once, okay?
6 A. Yes.
7 Q. And if at any time I interrupt you or you haven't
8 completed your answer, please let me know, and I will
9 permit you to finish your answer for the record, okay?
10 A. Okay.
11 Q. And if at any time you need a break, preferably not
12 mid question, but other than that, just let me know,
13 and we can take a break, okay?
14 A. Okay.
15 Q. Can I have your full name for the record, please?
16 A. Deborah Lynn Evans Green.
17 Q. Can I have your date of birth, ma'am?
18 A. October 17, 1957.
19 Q. You attended undergraduate at Penn State University;
20 is that correct?
21 A. Correct.
22 Q. What time period?
23 A. Oh, goodness. I graduated in 1978.
24 Q. And what was your degree?
25 A. History.

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1 Q. Are you a member of any professional associations,
2 like the ABA, for example?
3 A. No. I don't know if this is part of your question,
4 but when I retired a year ago, I got certified as a
5 court reporter, so I actually do transcripts on my
6 own. So --
7 Q. I'm sorry, go ahead.
8 A. So I don't know if that's the kind of professional
9 organization, but I am now a certified court reporter.
10 Q. So that's a certification from the State of Michigan,
11 correct?
12 A. Correct.
13 Q. But you're not a member of the American Bar
14 Association, for example?
15 A. No. I used to be, but I'm not now.
16 Q. You are still a member of the State Bar of Michigan,
17 correct?
18 A. Oh, yes.
19 Q. So you maintain that?
20 A. Correct.
21 Q. Could you -- well, strike that.
22 You mentioned that you are now retired,
23 correct?
24 A. Correct.
25 Q. Although you are doing some court reporting, correct?

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1 **A. Correct.**
2 Q. When did you retire?
3 **A. June 1 of last year, 2016.**
4 Q. And you retired from the State Court Administrator's
5 Office, correct?
6 **A. Correct.**
7 Q. Was there a reason or it was just time to retire?
8 **A. My husband has Parkinson's disease. I needed to stay**
9 **home more, which is why it's nice to do the**
10 **transcripts from home.**
11 Q. Could you give me your employment history from the
12 time you graduated law school forward?
13 **A. Okay. I started out at Miller, Canfield, Paddock and**
14 **Stone. I was there approximately two to three years.**
15 **I left there when my first child was born, stayed home**
16 **for a bit, taught law, taught prelaw at Henry Ford**
17 **College. I then went back to work. I'm sorry I**
18 **forgot -- the small firm downriver who doesn't exist**
19 **anymore. I will remember the name. They were in**
20 **Trenton. I was only with them for a year, and then I**
21 **joined Pagnucco, Kruze, Tamsen and Labadie, and was**
22 **the city attorney for the City of Allen Park for about**
23 **six years. Then I left there. So I did their**
24 **criminal prosecution. And then I became the court**
25 **administrator at the 24th District Court in Allen**

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1 **A. Yes.**
2 Q. Do you remember the timeframe of that?
3 **A. Well, let's see. He was born in '86, and my second --**
4 **my daughter was born in '89, so it would have been**
5 **'87, '88, and it was a very, very part-time job.**
6 Q. And those were undergraduate courses --
7 **A. Yes.**
8 Q. -- or e-course, correct?
9 **A. Right, Intro to Law.**
10 Q. And then you mentioned you couldn't recall the name,
11 but you said a small firm located in Trenton, correct?
12 Do you recall the time period of that?
13 **A. Burley, Barton, Misco and Falzone. That would have**
14 **been in 1990.**
15 Q. And do you recall the sort of work you did for Burley,
16 Barton?
17 **A. I was for lack of a better word a general**
18 **practitioner. I represented a lot of small businesses**
19 **in the downriver area.**
20 Q. I think after that you mentioned, and I hope I got the
21 name right, I think you said Pagnucco, Kruze?
22 **A. Pagnucco, P-A-G-N-U-C-C-O.**
23 Q. And what period of time were you at Pagnucco, Kruze?
24 **A. That would have been '91 to '96-ish.**
25 Q. And you were an associate there?

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1 **Park. I was there for about two years, became a court**
2 **administrator at the 33rd District Court in Woodhaven,**
3 **was there for about five or six years, and then joined**
4 **the State Court Administrative Office.**
5 Q. If we could just go through this just so I can get
6 some timeframes. You started at Miller Canfield --
7 **A. Correct.**
8 Q. -- after you obtained your law degree, so that would
9 beginning around 1984?
10 **A. I actually clerked with them while I was still in law**
11 **school for a year and a half maybe from my second**
12 **summer on and then got officially hired by them when I**
13 **graduated, yes.**
14 Q. So two to three years as an associate from 1984 to --
15 **A. Ish.**
16 Q. -- for two to three years?
17 **A. To '86 is when my son was born, so yes.**
18 Q. And what sort of work did you do as an associate at
19 Miller, Canfield?
20 **A. I was in the business division. I started out in the**
21 **now defunct field of antitrust law, not a good choice,**
22 **and then primarily worked on banking cases.**
23 Q. And then you mentioned you spent some time away from
24 employment after your son was born, and then you went
25 back and taught prelaw at Henry Ford, correct?

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1 **A. Correct.**
2 Q. And I think one aspect that you mentioned of your work
3 there was a city attorney for Allen Park, correct?
4 **A. Correct.**
5 Q. Was that really what you specialized in or any other
6 area you worked in?
7 **A. I still maintained my private clients. I still**
8 **represented a lot of small businesses in the city area**
9 **along with being city attorney.**
10 Q. I think next you said you became the court
11 administrator for the 24th District Court, correct?
12 **A. Correct.**
13 Q. And you said that was for about two years. Do you
14 recall the year, years for that?
15 **A. It must have been '96 to '97 and maybe into '98.**
16 Q. And then following that position you served as court
17 administrator for the 33rd District Court, correct?
18 **A. Correct.**
19 Q. And you said that was for the five to six years, I
20 assume that was immediately following?
21 **A. Correct. And I think I'm actually right on my years,**
22 **because I started this job in June of 2003, so that's**
23 **actually five years from '98.**
24 Q. And so June of 2003 is when you started at the State
25 Court Administrator's Office, correct?

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1 A. Correct.
2 Q. In terms of your job as a court administrator, and
3 certainly if there was differences between the 24th
4 District Court and the 33rd District Court, you can
5 tell me, if not I will try to ask you just generally
6 what were your duties as a court administrator in
7 those district courts?
8 A. Okay. Generally I was -- I managed the business
9 operations of the court, the human resources, the
10 budget, the benefits. Every court administrator is
11 basically acting under the authority of the chief
12 judge, so it's chief judge really has the
13 administrative authority per court rule over every
14 court, but then they also have the ability to
15 delegate. So I will say that between the 24th and the
16 33rd, the exact ways that I achieved those things was
17 different, but the responsibilities were still the
18 same for the business operations of the court, the
19 case flow management, budget management, HR functions,
20 facilities management.
21 Q. Now, in June of 2003 you started at the State Court
22 Administrator's Office, correct?
23 A. Correct.
24 Q. And you were a regional administrator; is that
25 correct?

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1 Q. So at that time in 2013, though, you stayed with
2 Region 1 --
3 A. Correct.
4 Q. -- you stayed with the originator?
5 The makeup of Region 1 changed?
6 A. Correct.
7 Q. Are you aware that there was subsequently a change
8 where Wayne County was separated into its own region?
9 A. Yes.
10 Q. Did that happen while you were there or was that
11 later?
12 A. It happened upon my leaving, because I wouldn't do it
13 while I was still there.
14 Q. I'm not sure I understand exactly --
15 A. I didn't want to be a one county region.
16 Q. Okay.
17 A. And so they had wanted to change the makeup of the
18 regions for quite some time, and I really was not
19 interested in only working -- covering Wayne County,
20 so it was -- it's not a coincidence that the regions
21 changed in June 2016 when I left.
22 Q. Okay. So those two events, that was your decision,
23 they were going to change the region, and --
24 A. When I left.
25 Q. When you left?

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1 A. Correct.
2 Q. And which region did you administer? They are
3 numbered, correct?
4 A. Region 1. At that time there were four regions in the
5 state, and I was Region 1.
6 Q. And what did Region 1 include at the time you started?
7 A. The seven counties of southeast Michigan, Wayne,
8 Oakland, Macomb, Genesee, Washtenaw, Monroe. What am
9 I missing?
10 Q. Livingston?
11 A. Not Livingston, thank goodness.
12 MS. MILLER: Lapeer?
13 A. Not Lapeer. Oh, Saint Clair, Port Huron.
14 BY MR. HIRSCH:
15 Q. Okay. Now, was that your region the entire time you
16 were employed by the State Court Administrator's
17 Office?
18 A. No. In 2013 we took over superintendent control of
19 the 36th District Court in downtown Detroit, and at
20 that time the supreme court felt that Region 1 was
21 sort of overloaded, and so at that time Region 1
22 became just the three counties of Wayne, Oakland, and
23 Macomb, and the other four counties were sort of
24 divided up into a fifth region, and so from that point
25 on there were five regions in the state.

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1 A. That was the deal.
2 Q. Okay. And do you know why there was this change to
3 make Region 1 Wayne County only?
4 A. My answer is because it took three people to do what I
5 had done for 13 years, but they really felt that Wayne
6 County needed more direct attention. The third
7 circuit, 36th District Court, they felt that given the
8 issues in Genesee, for instance, in Flint, and some of
9 the other courts that were part of my original region,
10 they just felt that Wayne County needed its own
11 separate attention.
12 Q. And Wayne County is the biggest county, correct?
13 A. Yes, in number of judges, yes.
14 Q. Okay. Fair enough. When you said they felt, who was
15 the they --
16 A. The supreme court.
17 Q. -- in your sentence?
18 A. I'm sorry. I'm interrupted you.
19 Q. You are familiar with Judge Sylvia James, correct?
20 A. Yes.
21 MR. HIRSCH: Can you mark this, please?
22 MARKED FOR IDENTIFICATION:
23 DEPOSITION EXHIBIT 1
24 9:41 a.m.
25 BY MR. HIRSCH:

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1 Q. Ms. Green, our court reporter has just handed you what
2 we have marked as Deposition Exhibit 1. Do you have
3 that in front of you?
4 A. Yes.
5 Q. Do you recognize that document?
6 A. Yes.
7 Q. That is a grievance that you filed against Judge
8 James; is that correct?
9 A. Correct.
10 Q. Now, the front page is dated June 14, 2011. Do you
11 see that?
12 A. Yes.
13 Q. And do you see the subsequent pages, there is a header
14 that is actually dated June 10th. Do you see that?
15 A. Yes.
16 Q. Do you know why there is any difference of dates?
17 A. The only thing that I can think of is that Microsoft
18 Word will like date stuff the date you open it, so my
19 guess is I drafted this on the 10th and then somehow
20 reopened it on the 14th, and so it redated the first
21 page. I shouldn't have -- I don't know.
22 Q. Okay. You would agree with me that you submitted this
23 to Paul Fischer at the Judicial Tenure Commission
24 around June 14th?
25 A. Yes.

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1 Q. What prompted you to file this request for
2 investigation?
3 A. Well, I think it stated in the letter. We had been
4 looking into a series of issues with the court, and
5 they had risen to the level that I felt needed the
6 tenure commission's attention.
7 Q. So to the best of your knowledge, this letter was true
8 and accurate certainly as of the date it was
9 written --
10 A. Yes.
11 Q. -- in terms of the facts you had at that time,
12 correct?
13 A. Yes.
14 Q. You knew Judge James prior to this time, correct?
15 A. Ever since I took my job, yes.
16 Q. And you had met her in person prior to June of 2011,
17 correct?
18 A. Oh, yes.
19 Q. Okay. You knew Judge James was African American,
20 correct?
21 A. Yes.
22 Q. Now, do you recall there was a time when Judge James
23 had been placed on administrator leave by the Supreme
24 Court?
25 A. Yes.

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1 Q. Okay. Do you recall whether that was before or after
2 June 14, 2011?
3 A. It was before, I believe, in April, I think, but I
4 don't really remember the date.
5 Q. Okay. Did you have any involvement in the decision to
6 place Judge James on administrative leave?
7 A. Well, involvement in the decision, no. The decision
8 came from the Supreme Court, but I had raised some of
9 my concerns to them, which caused them to choose the
10 action of putting her on administrative leave.
11 Q. When you say you had raised concerns to the Supreme
12 Court, did you do that in writing?
13 A. I don't remember. I know I went in front of them.
14 They have an administrative hearing day. I went in
15 front of them and presented that to them in person en
16 banc.
17 Q. Do you know if that's on the record?
18 A. It is not on the record. I must have put something in
19 writing prior to that because I don't think you get on
20 their agenda without giving them something in writing.
21 Q. So in terms of actual discussion you had with the
22 justices, was that the only discussion at this en banc
23 hearing as part of the administrative docket?
24 A. Yes.
25 Q. No other discussions with the chief justice?

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1 A. Not prior to the hearing, no, afterwards, yes, but not
2 prior.
3 Q. And no other discussions with any of the associate
4 justices prior to the hearing?
5 A. No.
6 Q. Now, you said you did have some discussions with the
7 chief justice about Judge James after the hearing on
8 the administrative docket, correct?
9 A. Yes.
10 Q. Did you also have any discussions with any of the
11 other justices after the hearing on the administrative
12 docket?
13 A. I don't believe so, no, that's -- I don't normally
14 speak with the associate justices.
15 Q. Do you recall when you had this discussion -- well,
16 strike that.
17 Was it one discussion with the chief
18 justice?
19 A. There was one that I remember, yes, one.
20 Q. Okay. What was the nature of that discussion with the
21 chief justice?
22 A. It was still that day, but it was after the hearing
23 and it was basically how to implement their decision.
24 Q. Did the court make a decision then during that hearing
25 on the administrative docket?

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1 A. Yes.
2 Q. And what was the decision they made during the
3 administrative docket?
4 A. To put her on administrative leave and for me to
5 appoint an outside chief judge to come in and operate
6 the court.
7 Q. And that decision is memorialized in an order,
8 correct --
9 A. Yes.
10 Q. -- an administrative order?
11 A. Yes.
12 Q. Was there a vote then for that decision?
13 A. I believe they did vote, yes.
14 Q. Do you recall if anyone voted against that?
15 A. It was unanimous.
16 Q. Now, do you recall when this hearing on the
17 administrative docket took place?
18 A. Whatever day -- I think it was in April -- that she
19 was put on administrative leave, it was that day.
20 Q. Okay. So the order came down that same day, and she
21 was put on administrative leave as soon as the order
22 gets entered, correct?
23 A. Correct. The order might have actually come out the
24 next day, but I believe the action was taken that day.
25 I really -- but, yeah, right contemporaneous, the

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1 A. That was one of the options. I had also suggested
2 or -- suggested is pretty important -- but that
3 possibly we bring in an outside chief judge, let her
4 still handle the cases, but just bring in an outside
5 chief judge to handle the management of the court, the
6 financial side. So I didn't recommend any one course
7 of action to them. I said here is the thing, and we
8 need -- I was most concerned about the financial
9 situation of the court, and so that's when they made
10 the decision, because of the concerns about tampering
11 and all that, to put her on administrative leave so
12 that we could move forward.
13 Q. Was there a decision made at the time she was, Judge
14 James was placed on administrative leave, to go
15 forward to pursue a grievance?
16 A. Not at that moment in time, no.
17 Q. Did the Supreme Court direct you to take any steps
18 then?
19 A. As regional administrator I have the authority to
20 appoint outside judges to sit in any court in the
21 land, so their direction to me was to bring in an
22 outside judge to operate the court in Judge James'
23 absence while we basically got our hands on everything
24 that like the auditor had found and some of these
25 other things that we believed were going on, and so it

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1 whole thing.
2 Q. Very close in time?
3 A. Yes, yes.
4 Q. Do you know why it is then that the grievance was not
5 filed until around June 14th, 2011, when Judge James
6 had been placed on administrative leave in April 2011?
7 A. Part of why she was placed on administrative leave was
8 the concern that if she was still there, she would
9 tamper with evidence. We didn't think that at that
10 time in April -- we knew plenty, as you can tell from
11 my letter, but we didn't think we knew everything, and
12 so that was the reason. I wanted to basically gather
13 any other evidence, see if this thing mushroomed even
14 more than it already had, and then so by June I felt I
15 had enough evidence and enough tangible things to
16 report and report it to the JTC.
17 Q. When you say there was a concern that she would tamper
18 with evidence, was that a concern you expressed?
19 A. Yes.
20 Q. Was that a concern the chief justice expressed?
21 A. It was a concern all the justices expressed at the
22 hearing.
23 Q. Did you make a request as to what should happen at the
24 administrative hearing, in other words, did you say I
25 think she should be placed on leave?

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1 was -- I can't say that -- it was certainly in my
2 mind, and I think in a lot of people's minds, that
3 this would lead to a tenure complaint, but it wasn't
4 on April, whatever date we were there, that wasn't my
5 main focus.
6 Q. So just so I'm clear, it sounds like, and you will
7 correct me on this, but it sounds like there were two
8 things you were directed to do. One is since the
9 Supreme Court had made the decision to place her on
10 administrative leave, in your role as administrator I
11 presume you would have had to appoint some other
12 judge, right, I mean somebody has to get in there?
13 A. Correct.
14 Q. And the second thing was to continue to investigate
15 the concerns that had led to the administrative leave;
16 is that fair?
17 A. No, they didn't order me to continue to investigate.
18 You know, Val Washington, we brought him in. I
19 actually was very infrequently feet on the ground at
20 the court, so I wasn't investigating, but I think my
21 auditor followed up on a few things, and then Val
22 Washington would bring his concerns to me. I wasn't
23 there investigating, and they certainly didn't order
24 me to investigate. They ordered me -- Chief Justice
25 Young put her on administrative leave, called her and

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1 he put her on administrative leave, I didn't, and I
2 appointed a chief judge to come in and run the court
3 and found other judges to manage the caseload as well.
4 That didn't last long, but and then basically sort of
5 put all this together.
6 Q. So did you then begin to assemble your grievance
7 complaint as soon as Judge James was placed on
8 administrative leave?
9 A. Well, I would have to go through this point by point,
10 but some of this stuff I already had, like the items
11 from Charlene McLemore's audit. The travel stuff,
12 that kind of evolved. And again, let me go back and
13 add to your previous question about the time between
14 April and June. It kept growing, and so I didn't want
15 to file a complaint and then have to file another one,
16 you know, and so as we are going on almost daily it
17 kept growing until I felt, at this point in time
18 finally, I felt like I had the whole picture.
19 Q. Well, but you said you weren't actually actively
20 investigating, correct?
21 A. Correct, no.
22 Q. But you said that Ms. McLemore -- who is the auditor,
23 correct?
24 A. Correct.
25 Q. She was continuing her audit work, I assume, correct?

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1 A. Following up, yes.
2 Q. Did you direct her to do that?
3 A. Yes.
4 Q. And you also said that you would -- well, strike that.
5 First so the record is clear, Judge
6 Washington was the judge appointed to take over after
7 Judge James was placed on administrative leave,
8 correct?
9 A. He was appointed as the chief judge to take over the
10 administrative duties. We appointed some other judges
11 from Wayne County to take over the cases.
12 Q. Okay. So would his position be the interim chief
13 judge at that time?
14 A. I believe we called him acting chief, yes.
15 Q. But he was not handling the docket, he was just
16 handling administrative duties?
17 A. At that point in time, that's correct. After awhile
18 we couldn't get visiting judges. It went on way
19 longer than we thought, and so he ended up taking
20 cases as well.
21 Q. Okay. So when you say at that time, is that the time
22 from roughly the time she is placed on administrative
23 leave until the grievance is filed?
24 A. At that time what? I forget.
25 Q. That Judge Washington was just handling the

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1 administrative aspect, but visiting judges were coming
2 in to actually handle the caseload?
3 A. I think Judge Washington was still solely acting as
4 chief administrative judge when I filed this. I
5 believe it was later in the summer when we needed him
6 to take on caseload.
7 Q. So prior to this Judge James had been the chief judge,
8 correct?
9 A. Correct. It's a one judge court.
10 Q. And she handled both the administrative aspect and the
11 cases, correct?
12 A. Yes.
13 Q. Why was it that Judge Washington when he became acting
14 chief judge could only handle the administrative side
15 and not also handle the cases?
16 A. It wasn't that he couldn't, it's that we wanted him to
17 focus on the business side of the court, the
18 administrative side of the court, and that was
19 initially what he agreed to do. He didn't want to
20 handle the caseload. So it wasn't that he couldn't
21 have, it's that that wasn't why we brought him in.
22 Q. So when you say focus on the business side, what
23 direction did you give him as to what he was to do on
24 the business side?
25 A. Really very little. We brought him in as chief, and

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1 intentionally sort of brought him in and said you have
2 been a chief judge before, go look around, see what's
3 what, fix what needs fixing, tell us what you need
4 help with, what you are worried about, gave him a
5 couple of directive -- not directives, but like there
6 had been a previous audit that had findings in it, and
7 sort of used that as kind of a roadmap here, look at
8 these things, Charlene's audit, here, look at these
9 things, but other than that, you go be chief judge.
10 Q. Now, you did say -- Charlene is Ms. McLemore, correct?
11 A. Correct, I'm sorry.
12 Q. And so she was continuing to follow up on her audit,
13 right?
14 A. Yes.
15 Q. And during that time then, in that time I mean while
16 Judge James was on administrative leave but before the
17 grievance was filed, she would give you some feedback?
18 A. Yes.
19 Q. Okay. And so some of that you were using to compile
20 what ended up being the June grievance, right?
21 A. Yes.
22 Q. And I think you also mentioned that you received some
23 information from Judge Washington, correct?
24 A. Yes.
25 Q. Okay. You didn't solicit the information, correct?

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<p style="text-align: right;">Page 29</p> <p>1 A. Correct.</p> <p>2 Q. But Judge Washington would call you up when he</p> <p>3 discovered certain things, correct?</p> <p>4 A. Correct, or shoot me an e-mail or whatever, but</p> <p>5 communicate with me.</p> <p>6 Q. All right. So what information he provided to you,</p> <p>7 that was in his discretion?</p> <p>8 A. Correct.</p> <p>9 Q. So attached to the grievance you have some back-up</p> <p>10 material, correct?</p> <p>11 A. Yes.</p> <p>12 Q. You have a bunch of exhibits here. If we could look</p> <p>13 at some of them, if you turn, for example, to Exhibit</p> <p>14 A or Tab A, I guess, to the grievance --</p> <p>15 A. Okay.</p> <p>16 Q. -- that's a March 18th, 2011 letter from you to Judge</p> <p>17 James, correct?</p> <p>18 A. Yes. This is from Charlene McLemore.</p> <p>19 Q. Okay. I apologize, it's from Ms. McLemore. You were</p> <p>20 copied on it, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And it's sort of under your letterhead, right --</p> <p>23 A. Correct.</p> <p>24 Q. -- you are in the upper left on page 1?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 31</p> <p>1 the March 18, 2011 letter?</p> <p>2 A. This is Charlene McLemore's document, so yes, this is</p> <p>3 what she prepared to show me.</p> <p>4 Q. Okay. But all I'm trying to get at, though, is that</p> <p>5 was part of the backup initially for the March 18th</p> <p>6 letter, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So that information was known before Judge</p> <p>9 James was placed on administrative leave?</p> <p>10 A. Yes.</p> <p>11 Q. And if we could look at Tab C, that's an April 7th,</p> <p>12 2011 letter from you to Judge James, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And you are providing Judge James some questions that</p> <p>15 you say were directed to her by the chief justice,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. Now, do you recall, was this letter written before or</p> <p>19 after that administrative docket hearing?</p> <p>20 A. Before. This notified her to provide a response --</p> <p>21 oh, here, the administrative conference was on</p> <p>22 Wednesday, April 13th. We needed to receive her</p> <p>23 response prior to that conference.</p> <p>24 Q. So this helps us with some timing, right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. You were familiar with this letter, though, in the</p> <p>2 March 2011 timeframe; is that fair?</p> <p>3 A. Oh, yes.</p> <p>4 Q. So this letter raised, I think Ms. McLemore's words</p> <p>5 are some areas of concern, do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And it had to do with the Community Service Fund Bank</p> <p>8 Account, correct?</p> <p>9 A. Yes. I think -- I believe this letter is just</p> <p>10 concerned about the Community Service Account, yes.</p> <p>11 Q. So as of March 2011, the -- and if I call it the SCAO</p> <p>12 you will know what I'm referring to?</p> <p>13 A. Absolutely.</p> <p>14 Q. The SCAO knew about -- well, strike that.</p> <p>15 As of March 2011 the SCAO had expressed</p> <p>16 concerns about the Community Service fund, right?</p> <p>17 A. Correct.</p> <p>18 Q. And that's before Judge James is placed on</p> <p>19 administrative leave?</p> <p>20 A. Yes.</p> <p>21 Q. If we could turn to Tab B, and this looks like check</p> <p>22 register info from that account?</p> <p>23 A. Yes.</p> <p>24 Q. And I think that was -- well, strike that.</p> <p>25 Was that part of what was reviewed prior to</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Now, I thought you had told me that you had not had</p> <p>2 discussions with Justice Young before the</p> <p>3 administrative conference; was that correct?</p> <p>4 A. Yes, that's what I said.</p> <p>5 Q. Okay. Does this perhaps refresh your recollection</p> <p>6 that maybe you did have a conversation with Justice</p> <p>7 Young that at least resulted in these questions?</p> <p>8 A. I don't know that I spoke directly with Justice Young</p> <p>9 about this. I believe typically the way things work</p> <p>10 is us peons would talk to Chad Schmucker at the</p> <p>11 time -- he was also a judge -- and the state court</p> <p>12 administrator would talk to the chief justice, so I</p> <p>13 don't believe I personally talked to Chief Justice</p> <p>14 Young prior to that administrative hearing. I believe</p> <p>15 Chad Schmucker did.</p> <p>16 Q. Well, do you recall having discussions with Mr.</p> <p>17 Schmucker about Judge James prior to the, what we now</p> <p>18 can put as an April 13th administrative hearing?</p> <p>19 A. Yes.</p> <p>20 Q. What were your discussions with Mr. Schmucker?</p> <p>21 A. That I felt we, at the very least needed to appoint an</p> <p>22 outside chief judge, which requires Supreme Court,</p> <p>23 they are the ones that make the appointment, so I</p> <p>24 talked to Chad about, Mr. Schmucker, about that I</p> <p>25 needed to get in front of the Supreme Court.</p>

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<p style="text-align: right;">Page 33</p> <p>1 Q. Now, at that administrative hearing we talked about</p> <p>2 you were there, you told us that, right?</p> <p>3 A. Yes.</p> <p>4 Q. Did Mr. Schmucker also appear there?</p> <p>5 A. Yes.</p> <p>6 Q. Did he speak also? On this particular issue I'm</p> <p>7 focussing on.</p> <p>8 A. I don't believe so. If he did, it was very cursory.</p> <p>9 Q. If we could turn to Tab D, this would appear to be the</p> <p>10 response from Judge James to your April 7th letter,</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. And just to be clear, do you recall receiving this</p> <p>14 before that administrative hearing? I mean it doesn't</p> <p>15 say how this letter was delivered. I mean it's dated</p> <p>16 April 11.</p> <p>17 A. I did receive it before the administrative hearing,</p> <p>18 yes.</p> <p>19 Q. Did this letter change at all any of your opinions</p> <p>20 about what you were going to say at the administrative</p> <p>21 hearing?</p> <p>22 A. No.</p> <p>23 Q. Did this letter get passed along to Mr. Schmucker?</p> <p>24 A. Yes.</p> <p>25 Q. Did this letter get passed along to the chief justice?</p>	<p style="text-align: right;">Page 35</p> <p>1 A. Yes.</p> <p>2 Q. It certainly couldn't be earlier than May 2nd if we</p> <p>3 believe that date, and we have no reason not to,</p> <p>4 right?</p> <p>5 A. Correct.</p> <p>6 Q. And if we can turn to Tab F, and this one is entitled</p> <p>7 22nd District Court Community Service Account Checks</p> <p>8 by Payee at the top, do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Is this also -- well, strike that.</p> <p>11 Do you know if this is also a document</p> <p>12 prepared by Ms. McLemore?</p> <p>13 A. It is.</p> <p>14 Q. And you see also in the lower left when we look at</p> <p>15 this in landscape, it has the same date, Monday, May</p> <p>16 2, 2011, correct?</p> <p>17 A. Correct.</p> <p>18 Q. So this would also be a document that you would have</p> <p>19 received after Judge James was placed on</p> <p>20 administrative leave?</p> <p>21 A. Correct. Again, this is just reorganizing the</p> <p>22 information from the check register. It's not new</p> <p>23 information.</p> <p>24 Q. So it's not new information, it's just a different</p> <p>25 presentation?</p>
<p style="text-align: right;">Page 34</p> <p>1 A. Yes.</p> <p>2 Q. If we could look at Tab E, that's a document entitled</p> <p>3 22nd District Court Community Service Account</p> <p>4 Disbursement Summary, do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know what that document is?</p> <p>7 A. This I believe was also created by Charlene McLemore.</p> <p>8 She sort of presented the same information to us in a</p> <p>9 number of different ways. The first one was the basic</p> <p>10 check register that is sort of by check number, and</p> <p>11 then she grouped things into similar types of</p> <p>12 expenses, and so I believe that's what she called the</p> <p>13 disbursement summary.</p> <p>14 Q. And you will see in the -- sort of if you turn the</p> <p>15 document -- well, you have the right orientation, but</p> <p>16 you will see in the lower left when it's orientated in</p> <p>17 sort of landscape, right --</p> <p>18 A. Yes.</p> <p>19 Q. -- you see it says Monday, May 2, 2011?</p> <p>20 A. Correct.</p> <p>21 Q. Do you recall if you would have received this document</p> <p>22 in or around, on or around May 2, 2011?</p> <p>23 A. That would make sense.</p> <p>24 Q. So this would probably be something that you received</p> <p>25 after Judge James was placed on administrative leave?</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Correct.</p> <p>2 Q. If we could turn to Tab G, and that looks to be a</p> <p>3 series of checks and check requests. I'm not going to</p> <p>4 go through every page, but would you generally agree</p> <p>5 with me?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Do you know what these were?</p> <p>8 A. Checks and check requests.</p> <p>9 Q. What was the purpose of attaching these to your</p> <p>10 grievance, what were these meant to support?</p> <p>11 A. I would have to go through them, but I believe this</p> <p>12 section had to do with the concerns about travel</p> <p>13 expenses.</p> <p>14 Q. Okay.</p> <p>15 A. I don't know if that's everything that's in here, but</p> <p>16 I think that was what this section was about.</p> <p>17 Q. Okay. And do you recall whether you had this group of</p> <p>18 documents before Judge James was placed on</p> <p>19 administrative leave?</p> <p>20 A. I don't believe I did.</p> <p>21 Q. Do you know where you got this group of documents</p> <p>22 from?</p> <p>23 A. From the court, from either Judge Washington or Pamela</p> <p>24 Anderson, or it might -- either -- Charlene might have</p> <p>25 requested some of it. I'm not sure, but it would have</p>

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<p style="text-align: right;">Page 37</p> <p>1 come from the court itself.</p> <p>2 Q. You will also note, for example, the very first</p> <p>3 document, it's a check, but it is from an account by</p> <p>4 the City of Inkster, right?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 A. I mean that's what it looks to be to me.</p> <p>8 Q. In other words, it's not an account where the holder</p> <p>9 is the District Court, right, I mean it says City of</p> <p>10 Inkster?</p> <p>11 A. It says City of Inkster, yes.</p> <p>12 Q. Okay. If you could look at the next Tab, Tab H --</p> <p>13 A. Okay.</p> <p>14 Q. First of all, do you recall who prepared -- well, I</p> <p>15 guess I'm sorry. There is a few pages here. Let's</p> <p>16 focus on the first page.</p> <p>17 A. Okay.</p> <p>18 Q. Do you recall who prepared that first page, entitled</p> <p>19 Judge James' Leave at the top?</p> <p>20 A. I don't know exactly who prepared it, but it came to</p> <p>21 me from the court.</p> <p>22 Q. Do you recall from who, who at the court sent it to</p> <p>23 you?</p> <p>24 A. Sent it to me, I believe it was Pamela Anderson, but I</p> <p>25 don't know that she created it.</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. And do you recall why you were attaching -- well,</p> <p>2 strike that.</p> <p>3 First of all, did you go into the SCAO</p> <p>4 records to get these copies?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And were you attaching them -- well, strike</p> <p>7 that.</p> <p>8 Was the purpose of attaching them behind</p> <p>9 this first page with this leave summary to show there</p> <p>10 was some disparity between whoever prepared this</p> <p>11 summary and the memorandums that were submitted?</p> <p>12 A. Well, partially, because I think there is other</p> <p>13 summaries from other years. Yeah, later on in the</p> <p>14 exhibit there is '06 of internal documents from the</p> <p>15 court, but yes, to show that there was a discrepancy</p> <p>16 between the records that the court had and what had</p> <p>17 been reported to me, to SCAO.</p> <p>18 Q. But as you said, you did not know who prepared the</p> <p>19 first page of this document, correct?</p> <p>20 A. Correct.</p> <p>21 Q. So you would have no way of knowing whether this</p> <p>22 document, page 1, that the first page of Tab H was</p> <p>23 accurate or whether the reports were accurate,</p> <p>24 correct?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. Okay. Now, behind that it looks to be a number of</p> <p>2 pages, similar pages that are memos from Judge James</p> <p>3 to SCAO Region 1. Do you see those?</p> <p>4 A. Correct, yes.</p> <p>5 Q. And some of them are a little different in format,</p> <p>6 right, but they look similar?</p> <p>7 A. Yes.</p> <p>8 Q. And it looks to me like these are summaries of Judge</p> <p>9 James' leave for various time periods. Would that be</p> <p>10 correct?</p> <p>11 A. These are her annual leave reports to me, which is</p> <p>12 required.</p> <p>13 Q. So that's a document that -- well, strike that.</p> <p>14 Is each judge required to provide that</p> <p>15 document or is it each District Court?</p> <p>16 A. Well, each judge has to report their leave. It</p> <p>17 comes -- the chief judge of every court files it with</p> <p>18 us, so if you are multi judge court, the judges report</p> <p>19 to their chief and the chief sends a report to us.</p> <p>20 Q. Okay. So in this case it doesn't matter, it happens</p> <p>21 to be a single judge court?</p> <p>22 A. Exactly.</p> <p>23 Q. Okay. So the SCAO received these reports from Judge</p> <p>24 James each year, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. And did you do any further investigation to try to</p> <p>2 figure out which one of those was accurate?</p> <p>3 A. Well, I believe that's how we got these later internal</p> <p>4 memorandums, memoranda, because I asked for the actual</p> <p>5 documentation that the court had, which I think they</p> <p>6 had for some years but not others, if I remember, so,</p> <p>7 yeah, I followed up, but it was clear to me that there</p> <p>8 were definitely some discrepancies.</p> <p>9 Q. And if we could look at an example maybe of what you</p> <p>10 are talking about, you will see there is, I think it</p> <p>11 would be a Bates number in the center of the page --</p> <p>12 A. I don't know what you are looking at.</p> <p>13 Q. If we look at the little sort of --</p> <p>14 A. Oh, yeah, on all these.</p> <p>15 Q. -- that black box with the little numbers, so if we</p> <p>16 could refer to that. If we look at 2327, would that</p> <p>17 be an example of an internal memorandum?</p> <p>18 A. 2327, yes.</p> <p>19 Q. Okay. And do you recall where you received these</p> <p>20 internal memorandum?</p> <p>21 A. The court sent them to me, whether it was Val</p> <p>22 Washington or Pam Anderson, or if I got them through</p> <p>23 Charlene, because she was on site much more than me,</p> <p>24 but I got them from the court.</p> <p>25 Q. This is not something that is submitted to the SCAO,</p>

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<p style="text-align: right;">Page 41</p> <p>1 correct, this was internal, meaning internal to the</p> <p>2 22nd District Court so far as you understand?</p> <p>3 A. Correct.</p> <p>4 Q. And you understood these to reflect dates that Judge</p> <p>5 James was on leave?</p> <p>6 A. Yes. She is the only judge.</p> <p>7 Q. Well, for example, in the one we were looking at, page</p> <p>8 2327, the subject is requests for assignment 2006,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. And it's from Gerry Hearn, do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know who he is?</p> <p>14 A. He's the former court administrator.</p> <p>15 Q. And in the first sort of section is annual leave, do</p> <p>16 you see that?</p> <p>17 A. Yes.</p> <p>18 Q. And you understood that to mean annual leave by Judge</p> <p>19 James, not some other employee of the 22nd District</p> <p>20 Court, correct?</p> <p>21 A. Correct, because requests for assignment is requests</p> <p>22 for assignment of an outside judge.</p> <p>23 Q. Now, every day that a judge is out, there is not a</p> <p>24 request for assignment for another judge, correct?</p> <p>25 A. Not necessarily.</p>	<p style="text-align: right;">Page 43</p> <p>1 your docket.</p> <p>2 Q. Right.</p> <p>3 A. So it's not unheard of that the judges are still</p> <p>4 there, but usually it's not a day-to-day thing.</p> <p>5 Usually it's because a judge is missing, especially in</p> <p>6 a one judge court, if you are going to be gone, you</p> <p>7 can't leave your court sitting fallow for a week or</p> <p>8 more, so you need another judge to come in and keep</p> <p>9 the cases going while you are gone.</p> <p>10 Q. So just so you can help me out in terms of how you</p> <p>11 interpreted these dates, because I'm a little</p> <p>12 confused, so for example, under annual leave, and I'm</p> <p>13 still looking at the same page, right, 2327 --</p> <p>14 A. Yes.</p> <p>15 Q. -- for example, the first date under annual leave is</p> <p>16 2-21, right, you see that?</p> <p>17 A. Correct, yeah.</p> <p>18 Q. But there is no assist with docket for 2-21, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. And conversely, for example, you see assist</p> <p>21 with docket on 1-3, do you see that, that's the first</p> <p>22 one?</p> <p>23 A. Yes.</p> <p>24 Q. But there is no leave noted for 1-3, correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 42</p> <p>1 Q. Do you see the heading that says Assist With Docket?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know what that means?</p> <p>4 A. Yes.</p> <p>5 Q. What does that mean?</p> <p>6 A. We do several kinds of assignments, and assist with</p> <p>7 docket basically means another judge is coming into</p> <p>8 the court to do just that, assist with the docket</p> <p>9 because the judge is out sick or on vacation. It</p> <p>10 differentiates -- we have different rules for assist</p> <p>11 with docket assignments as opposed to assignments</p> <p>12 where a judge has disqualified themselves. So this</p> <p>13 was a simple assist with docket -- or that shows</p> <p>14 assist with docket assignments.</p> <p>15 Q. So assist with docket would mean that the sitting</p> <p>16 judge is there?</p> <p>17 A. No.</p> <p>18 Q. Okay. Explain it again. I apologize.</p> <p>19 A. I mean not -- it wouldn't make any sense for the judge</p> <p>20 to be there, I mean unless they needed help, and we do</p> <p>21 occasionally do that, assist with docket assignments.</p> <p>22 Like let's say you get the Kwame Kilpatrick trial --</p> <p>23 Q. I remember.</p> <p>24 A. -- and it's going to eat your whole docket, and you</p> <p>25 need somebody to come in and help you with the rest of</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Okay. So how did you interpret this?</p> <p>2 A. I didn't.</p> <p>3 Q. Okay. So when you were concerned about the numbers,</p> <p>4 what were you comparing?</p> <p>5 A. Well, first off, just annual leave alone she reported</p> <p>6 far less days to us than apparently her court had</p> <p>7 records for internally.</p> <p>8 Q. So in other words, you are saying just so I</p> <p>9 understand, that on the page we were looking at, you</p> <p>10 were looking at the 31, the total for annual leave; is</p> <p>11 that correct?</p> <p>12 A. Well, and I was also looking at -- we had a general</p> <p>13 concern for her attendance, and so -- but yes, because</p> <p>14 if you look at what she reported to us for '06, she</p> <p>15 reports 19 days of annual leave -- or wait, this is</p> <p>16 '06. This is what she reported for '05. But none of</p> <p>17 it matched up, and plus it was an excessive amount of</p> <p>18 time off the bench.</p> <p>19 Q. But just so I'm understanding this, was it the</p> <p>20 suggestion that it was the 31 days plus the 20 assist</p> <p>21 with docket days that Judge James wasn't there, was</p> <p>22 that the interpretation of this document?</p> <p>23 A. That was part of my interpretation. Like I said, I</p> <p>24 had two concerns, one was misreporting, the other was</p> <p>25 just an excessive amount of time off the bench,</p>

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<p style="text-align: right;">Page 45</p> <p>1 whether it was reported or not.</p> <p>2 Q. And you said that this had been an existing concern;</p> <p>3 is that right?</p> <p>4 A. Yes.</p> <p>5 Q. And when you say existing, you mean prior to Judge</p> <p>6 James being placed on administrative leave in April</p> <p>7 2011?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Had the SCAO taken any steps to investigate</p> <p>10 that at any time prior to April 2011?</p> <p>11 A. No.</p> <p>12 Q. Had you expressed that particular concern to anyone</p> <p>13 prior to April 2011?</p> <p>14 A. To anyone? Probably internally in my office, but not</p> <p>15 in any official manner, no.</p> <p>16 Q. And then that would mean not to the justices; is that</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Was this part of the concerns raised in April</p> <p>20 2011 in connection with the administrative docket</p> <p>21 hearing, was attendance an issued raised?</p> <p>22 A. No.</p> <p>23 Q. Okay. Let me just ask you one more question on these,</p> <p>24 and if you could look sort of -- I want to compare two</p> <p>25 of these. If you look at the document we were just</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. Do you know when you got this document?</p> <p>2 A. It would have been after she was put on administrative</p> <p>3 leave.</p> <p>4 Q. So this was some new bit of information after she was</p> <p>5 placed on administrative leave, correct?</p> <p>6 A. Correct.</p> <p>7 Q. Could we look now, could I ask you to turn now to Tab</p> <p>8 J?</p> <p>9 A. Okay. All right.</p> <p>10 Q. And that's a document, the title at the top is Budget</p> <p>11 Report for City of Inkster. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And a little bit below that it says</p> <p>14 calculations as of 4-30-2011. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. And I guess in the upper right it looks like perhaps</p> <p>17 that's a printed date, and it gives the date of April</p> <p>18 19, 2011. Do you see that?</p> <p>19 A. Upper left? Yes.</p> <p>20 Q. Maybe it's hard to see. I'm sorry. It's stapled. Do</p> <p>21 you want to look at mine?</p> <p>22 A. No, I have got it.</p> <p>23 Q. So this would be a document that you received after</p> <p>24 Judge James was placed on administrative leave; would</p> <p>25 that be correct?</p>
<p style="text-align: right;">Page 46</p> <p>1 looking at and the Bates stamp, we will call it as</p> <p>2 2327, and if you look also if you could at the next</p> <p>3 page, which is 2328 --</p> <p>4 A. Yes.</p> <p>5 Q. -- and you see that both of those say requests for</p> <p>6 assignment 2006, right, under the subject?</p> <p>7 A. Yes.</p> <p>8 Q. But one appears to be dated, page 2328 is dated</p> <p>9 December 6, 2005, but 2327 is dated January 5, 2007.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. How did you figure out what year these were actually</p> <p>13 supposed to reflect?</p> <p>14 A. I don't know.</p> <p>15 Q. Okay. If we could look next at Tab I, and the first</p> <p>16 page sort as a title is the Cover Sheet, 2011</p> <p>17 Preliminary Internal Calendar. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know what this document is?</p> <p>20 A. I believe it's an internal document that the court</p> <p>21 used to manage their docket on an annual basis.</p> <p>22 Q. Was this something that is provided to the SCAO?</p> <p>23 A. No.</p> <p>24 Q. Do you recall where you got this document from?</p> <p>25 A. From the court. I don't know from exactly who.</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Yes.</p> <p>2 Q. Do you recall how you received this document?</p> <p>3 A. No.</p> <p>4 Q. Do you recall from whom you received this document?</p> <p>5 A. It would have come to me from the court. I don't know</p> <p>6 who exactly sent it to me.</p> <p>7 Q. You to see at the top where it says User:</p> <p>8 PANDERSON --</p> <p>9 A. Correct.</p> <p>10 Q. -- the upper left second line?</p> <p>11 A. Yes.</p> <p>12 Q. And you did know that Pam Anderson was a clerk at the</p> <p>13 22nd District Court at that time, correct?</p> <p>14 A. She was the court administrator.</p> <p>15 Q. Court administrator, I apologize.</p> <p>16 A. Right.</p> <p>17 Q. If we could flip now to Tab K, and that's a document</p> <p>18 entitled 2010 Case Age Summary Report, do you see</p> <p>19 that?</p> <p>20 A. Yes.</p> <p>21 Q. And that looks to be for the calendar year 2010; is</p> <p>22 that right?</p> <p>23 A. Correct.</p> <p>24 Q. Was this an SCAO document?</p> <p>25 A. It is.</p>

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<p style="text-align: right;">Page 49</p> <p>1 Q. Okay. So this would be a document that you would have 2 had access to prior to April of 2011, correct? 3 A. Yes. 4 Q. Okay. So that's not new? 5 A. No. 6 Q. If you could turn with me to Tab L, and it looks to be 7 a compilation of documents regarding the appointment 8 of a magistrate in the 22nd District Court -- 9 A. Yes. 10 Q. -- is that correct? 11 A. Yes. 12 Q. And would you agree with me that the first portion of 13 these documents, and that would be Bates numbers 2369 14 through 2376, appear to be from the December 2002 15 timeframe; is that correct? 16 A. Yes. 17 Q. And that would be material that the SCAO would have 18 had in 2002; is that correct? 19 A. Yes. 20 Q. Okay. The next document, and I think it's one 21 document, appears to be a fax because you can see a 22 fax line at the top consecutively numbered, appears to 23 be a fax from Ms. Anderson to you, do you see that, 24 starting at page 2377 through page 2379? 25 A. Yes.</p>	<p style="text-align: right;">Page 51</p> <p>1 magistrate that was at issue, correct? 2 A. Correct. 3 Q. And it looks like in the lower right the date says May 4 11, 2011, do you see that? 5 A. Yes. 6 Q. So fair to say this was something that was generated 7 after Judge James was placed on administrative leave? 8 A. Yes. 9 Q. And then the next five pages are amended 10 administrative order, 2002, dash -- there is some 11 handwriting, I guess it's hard for me to tell if 12 that's a 2, but I'm talking about pages 2381 to 2386, 13 do you see that? 14 A. Yes. 15 Q. Do you know if this is -- well, strike that. 16 This appears to be an administrative order 17 from the 22nd District Court, correct? 18 A. Correct. 19 Q. And those need to be approved by the SCAO; is that 20 correct? 21 A. Correct. 22 Q. Okay. To your knowledge was this something that the 23 SCAO had approved in around the 2002 timeframe? 24 A. I don't know. I know this predates me joining the 25 SCAO.</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. And the date on the first page is May 9, 2011? 2 A. Yes. 3 Q. And that actually matches up with the fax line at the 4 top, right? 5 A. Yes. 6 Q. Do you recall receiving this? 7 A. Yes. 8 Q. Okay. So this would have been something you received 9 in May 2011? 10 A. Correct. 11 Q. Okay. And that would be after Judge James was placed 12 on administrative leave? 13 A. Yes. 14 Q. The next page, Bates numbers 2380, at the top it looks 15 like Search Real Estate Index, Wayne County Land 16 Records Internet Search, do you see that? 17 A. I'm sorry? Oh, I'm sorry, 2380? 18 Q. Just for the purposes of the title. 19 A. Yes, yep. 20 Q. Do you know what this document is? 21 A. It is I think like a Google search of Wayne County 22 land records to show property owners. 23 Q. And do you recall if you performed this search? 24 A. My secretary did. 25 Q. Okay. And this is on Jeffrey Bowdich, he is the</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Did you search the SCAO's records to locate this or 2 was this something that was provided to you, if you 3 recall? 4 A. I believe I pulled it up. 5 Q. Okay. So it was certainly something that you had 6 access to prior to April of 2011, correct? 7 A. Yes. 8 Q. The next document that's part of Tab J, it's pages 9 2386 and 2387 -- 10 A. I think we are on Tab L. 11 Q. You are right, I'm sorry, Tab L. 12 A. So yeah. 13 Q. So it's pages 2386 and 2387. 14 A. Okay. 15 Q. It appears to be a memorandum dated November 4, 2002. 16 Do you see that? 17 A. Yes. 18 Q. And it's to John D. Ferry, do you see that? 19 A. Yes. 20 Q. Do you know who Mr. Ferry is? 21 A. Yes. 22 Q. Who is he? 23 A. Former state court administrator, probably left in 24 '04. 25 Q. Was he a Region 1 administrator?</p>

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<p style="text-align: right;">Page 53</p> <p>1 A. State, the whole state of Michigan.</p> <p>2 Q. State. Okay.</p> <p>3 A. He was my boss.</p> <p>4 Q. Okay. So fair to say this is a document the SCAO had</p> <p>5 prior to April of 2011?</p> <p>6 A. Yes.</p> <p>7 Q. The next document is a letter dated November 21, 2002</p> <p>8 from Mr. Ferry to Judge James, the Bates number at the</p> <p>9 bottom is 2388. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Was this a document that you pulled from the SCAO</p> <p>12 file?</p> <p>13 A. Yes.</p> <p>14 Q. And fair to say that the SCAO had this document well</p> <p>15 before April 2011?</p> <p>16 A. Correct.</p> <p>17 Q. The last document in Tab L is Bates number 2389, do</p> <p>18 you see that?</p> <p>19 A. Uh-huh.</p> <p>20 Q. That's another letter from Mr. Ferry to Judge James,</p> <p>21 this one dated October 21st, 2002. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And was this also a document that you pulled from the</p> <p>24 SCAO files?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 55</p> <p>1 until we got there.</p> <p>2 Q. Well, let's --</p> <p>3 A. What else?</p> <p>4 Q. Well, let's talk about, for example, the attendance.</p> <p>5 You agreed with me that that had been a concern that</p> <p>6 you had at least well before April 2011, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. But you hadn't done anything to investigate</p> <p>9 that any further, correct?</p> <p>10 A. No.</p> <p>11 Q. Because you hadn't --</p> <p>12 A. Correct.</p> <p>13 Q. -- gotten some of these documents that we looked at</p> <p>14 related to attendance until later, right?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 A. Sadly judicial attendance is not a singular judge</p> <p>18 problem, it's a bigger issue.</p> <p>19 Q. Now, the other concern -- well, another concern that</p> <p>20 was part of the grievance was the Community Service</p> <p>21 Fund, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And in fact the SCAO had looked into the</p> <p>24 Community Service fund in 2009, correct?</p> <p>25 A. Looked in to it, I don't know what you are referring</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. And fair to say that this is also a document that the</p> <p>2 SCAO had prior to April 2011?</p> <p>3 A. Yes.</p> <p>4 Q. If we could look now at the last Tab, Tab M, and again</p> <p>5 it looks to be something of a compilation of documents</p> <p>6 with some checks and check activity reports, I think;</p> <p>7 would that be a fair description?</p> <p>8 A. Yes.</p> <p>9 Q. And were you attaching these documents because you had</p> <p>10 some concerns about certain checks being paid out for</p> <p>11 legal services?</p> <p>12 A. It was not about the checks -- well, yes.</p> <p>13 Q. And do you recall where you got this set of documents</p> <p>14 from? Or if it's different for any particular</p> <p>15 document, you can certainly tell me that.</p> <p>16 A. I believe we got these from the courts. I don't think</p> <p>17 I got any of these from Sharon McPhail directly, but I</p> <p>18 believe these came to us through the court.</p> <p>19 Q. So it is fair to say that some of the issues that</p> <p>20 ended up in the grievance the SCAO had known about</p> <p>21 well in advance of the grievance, correct?</p> <p>22 A. I don't know which ones you are referring to. If you</p> <p>23 are referring to the magistrate one, we had been told</p> <p>24 he moved into the district, so I mean, yeah, there had</p> <p>25 been concerns, but we thought it had been rectified</p>	<p style="text-align: right;">Page 56</p> <p>1 to.</p> <p>2 MR. HIRSCH: Can we mark this, please?</p> <p>3 MARKED FOR IDENTIFICATION:</p> <p>4 DEPOSITION EXHIBIT 2</p> <p>5 10:36 a.m.</p> <p>6 BY MR. HIRSCH:</p> <p>7 Q. Ma'am, our court reporter has just handed you what we</p> <p>8 have marked as Exhibit 2 to your deposition. It looks</p> <p>9 to be a memorandum dated October 21, 2009, to you from</p> <p>10 Ms. McLemore. Do you have that in front of you?</p> <p>11 A. Yes.</p> <p>12 Q. Does this refresh your recollection that your office</p> <p>13 had looked into the Community Service Fund in 2009?</p> <p>14 A. We hadn't really looked into it at this stage. We had</p> <p>15 gotten an anonymous tip, and the anonymous tip had</p> <p>16 actually come into the audited section in Lansing, not</p> <p>17 directly to my office, and so we were aware of it,</p> <p>18 which is what caused me to look into the fact that it</p> <p>19 appeared in an outside audit, and so I felt -- yeah,</p> <p>20 Darnell and Meyering. And so I confirmed that the</p> <p>21 court had a copy of Darnell and Meyering's audit and</p> <p>22 so did the city, and so therefore it was out in front</p> <p>23 of them, so I didn't do anything further. So to say I</p> <p>24 looked into it at this point, no, I didn't.</p> <p>25 Q. Well, fair to say then that you didn't think there was</p>

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<p style="text-align: right;">Page 57</p> <p>1 a need to look into it any further at that time,</p> <p>2 correct?</p> <p>3 A. Because I thought all the parties were already aware.</p> <p>4 Q. I take it given that you called it an anonymous tip,</p> <p>5 you never came to learn who left that tip; is that</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. And clearly no grievance was filed in 2009, correct?</p> <p>9 A. Correct.</p> <p>10 Q. So you certainly did not think it rose to that level,</p> <p>11 correct?</p> <p>12 A. Correct, not at that time.</p> <p>13 Q. And we looked earlier at Exhibit 1, the grievance that</p> <p>14 you submitted in June of 2011, right?</p> <p>15 A. Correct.</p> <p>16 Q. Do you know if anyone else submitted any other</p> <p>17 grievances with respect to Judge James in or around</p> <p>18 that time period?</p> <p>19 A. I do not know.</p> <p>20 Q. Do you know who David Jones is?</p> <p>21 A. Boy, the name rings a bell.</p> <p>22 Q. Well, let me ask if this refreshes your memory. Do</p> <p>23 you recall that David Jones was an attorney for the</p> <p>24 City of Inkster?</p> <p>25 A. Okay. I thought he was a treasurer, but, okay, an</p>	<p style="text-align: right;">Page 59</p> <p>1 Do you have that in front of you?</p> <p>2 A. Yes, I do.</p> <p>3 Q. Does this refresh your recollection as to who Mr.</p> <p>4 Jones is?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And this letter is in reference to a Freedom of</p> <p>7 Information Request issued by Mr. Jones, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And you write back to Mr. Jones and you tell him</p> <p>10 please be advised that the courts are not subject to</p> <p>11 the Freedom of Information Act, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And that's accurate, right?</p> <p>14 A. Correct.</p> <p>15 Q. Do you recall what information Mr. Jones was seeking?</p> <p>16 A. There were concerns about the fact that the city was</p> <p>17 attempting to order the court -- telling the court</p> <p>18 that they couldn't shift money amongst line items in</p> <p>19 their budget, and therefore the city was refusing to</p> <p>20 pay some of the court's bills. So the court was, I</p> <p>21 don't know where they were in the process in November,</p> <p>22 but had taken over paying some of their own bills or</p> <p>23 were in the process, and the -- he was claiming that</p> <p>24 the court was violating 98-5, but really 98-5 says the</p> <p>25 court can shift money amongst line items. So anyway,</p>
<p style="text-align: right;">Page 58</p> <p>1 attorney, I will take it.</p> <p>2 Q. Okay.</p> <p>3 A. I recognize the name, and he had something to do with</p> <p>4 the city.</p> <p>5 Q. Okay. Do you recall then if you had any conversations</p> <p>6 with Mr. Jones about this issue?</p> <p>7 MS. MILLER: When you say this issue, do</p> <p>8 you mean the audit or the Judge James in general?</p> <p>9 BY MR. HIRSCH:</p> <p>10 Q. I'm sorry, Judge James in general, do you recall if</p> <p>11 you had any conversations with Mr. Jones?</p> <p>12 A. I believe I may have once, but I honestly don't</p> <p>13 remember any details or anything about it or if I even</p> <p>14 really did talk to him, but the name rings a bell, so</p> <p>15 it must ring a bell for a reason.</p> <p>16 Q. Okay. Let me see if I can help you a little bit more.</p> <p>17 MR. HIRSCH: Can we mark this, please?</p> <p>18 A. It was a long time ago.</p> <p>19 MARKED FOR IDENTIFICATION:</p> <p>20 DEPOSITION EXHIBIT 3</p> <p>21 10:39 a.m.</p> <p>22 BY MR. HIRSCH:</p> <p>23 Q. Our court reporter has just handed you what we have</p> <p>24 marked Exhibit 3 to your deposition. It appears to be</p> <p>25 a November 16, 2010 letter from you to David Jones.</p>	<p style="text-align: right;">Page 60</p> <p>1 it had to do with that whole business of shifting line</p> <p>2 item money from line items in the budget and the court</p> <p>3 then taking it upon themselves to start paying its own</p> <p>4 bills.</p> <p>5 Q. And that's the reference in the next sentence to</p> <p>6 administrative order, 1998-5, right?</p> <p>7 A. Correct.</p> <p>8 Q. That discusses how a court can handle its budget,</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. Among other things, right --</p> <p>12 A. Yes.</p> <p>13 Q. -- but that's one thing, right?</p> <p>14 A. Yes.</p> <p>15 Q. Now, you also say in here that you plan to meet with</p> <p>16 the chief judge and court administrator in the near</p> <p>17 future to discuss the issues you have raised, do you</p> <p>18 see that?</p> <p>19 A. Yes.</p> <p>20 Q. And that would be referring to Judge James, right?</p> <p>21 A. Judge James and -- yes, the chief judge is referencing</p> <p>22 Judge James, yes.</p> <p>23 Q. She is copied at the bottom, right?</p> <p>24 A. Correct.</p> <p>25 Q. And I guess whoever the court administrator was in</p>

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<p style="text-align: right;">Page 61</p> <p>1 2010?</p> <p>2 A. Carl Gromek.</p> <p>3 Q. Did you in fact have that meeting?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall when you had that meeting?</p> <p>6 A. Well, it was later in that year, I'm pretty sure it</p> <p>7 was still in fiscal year or calendar year 2010. I</p> <p>8 don't remember exactly. It might have been early --</p> <p>9 it was still that winter. It might have been early</p> <p>10 the next year.</p> <p>11 Q. And you think Mr. Gromek was the court administrator</p> <p>12 at that time, not Ms. Anderson?</p> <p>13 A. No, no, no, Carl Gromek --</p> <p>14 Q. I'm sorry.</p> <p>15 A. -- was the state court administrator.</p> <p>16 Q. I'm sorry, he was the state court administrator, I</p> <p>17 apologize. But when you say in here you are going to</p> <p>18 meet with the court administrator, were you referring</p> <p>19 to Mr. Gromek or were you referring to the</p> <p>20 administrator at the 22nd District Court?</p> <p>21 A. The administrator at the 22nd District Court.</p> <p>22 Q. Okay. Now, when you did have that meeting, Judge</p> <p>23 James was there; is that correct?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. Was anybody else there?</p>	<p style="text-align: right;">Page 63</p> <p>1 bills, but you don't just get to keep all the money.</p> <p>2 The courts of pass-throughs of money, so I believe I</p> <p>3 informed her at that meeting that you are in essence</p> <p>4 violating 98-5 because you're not forwarding the rest</p> <p>5 of it.</p> <p>6 Q. And I presume then that you told them to correct that</p> <p>7 to comply with 1998-5; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know whether they did that?</p> <p>10 A. They did months and months and months later.</p> <p>11 Q. You certainly did not think that this violation rose</p> <p>12 to the level of filing a grievance, right?</p> <p>13 A. Correct.</p> <p>14 Q. And you did not in fact file a grievance --</p> <p>15 A. Correct.</p> <p>16 Q. -- on this issue, right?</p> <p>17 A. Right. It takes a lot to get me to file a grievance.</p> <p>18 MR. HIRSCH: Can we mark this, please?</p> <p>19 MARKED FOR IDENTIFICATION:</p> <p>20 DEPOSITION EXHIBIT 4</p> <p>21 10:45 a.m.</p> <p>22 BY MR. HIRSCH:</p> <p>23 Q. Ma'am, the court reporter has just handed you what we</p> <p>24 have marked as Exhibit Number 4 to your deposition.</p> <p>25 It appears to be a memorandum from you to Mr.</p>
<p style="text-align: right;">Page 62</p> <p>1 A. I believe Pam Anderson was there.</p> <p>2 Q. And she was the 22nd District Court administrator,</p> <p>3 right?</p> <p>4 A. Correct.</p> <p>5 Q. And you were there, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Was anybody else there from the SCAO?</p> <p>8 A. I don't recall. The only other person that might have</p> <p>9 been there would have been Charlene McLemore. I don't</p> <p>10 recall if she was actually at that meeting.</p> <p>11 Q. Fair to say that you did not determine that there had</p> <p>12 been any violation of administrator order 1998-5?</p> <p>13 A. No, that's not fair to say.</p> <p>14 Q. Okay.</p> <p>15 A. I believe at the time of that meeting had some concern</p> <p>16 about the fact that the court while it had taken on</p> <p>17 paying its own bills, once you pay those bills you are</p> <p>18 supposed to forward the rest of the money over to the</p> <p>19 funding unit, which with a this case was the City of</p> <p>20 Inkster, and the court hadn't done that. They were</p> <p>21 holding on to all the money, and so I believe at that</p> <p>22 meeting was my first talk to her about, here, this is</p> <p>23 how -- you know, there is a right way and a wrong way</p> <p>24 to have a court pay its own bills. It's fairly</p> <p>25 unusual but not unheard of for a court to pay its own</p>	<p style="text-align: right;">Page 64</p> <p>1 Gromek --</p> <p>2 A. Correct.</p> <p>3 Q. -- dated 12-1-2010, correct?</p> <p>4 A. Yes.</p> <p>5 Q. This is a memo you prepared?</p> <p>6 A. Yes.</p> <p>7 Q. And you copied Judge James on this memo, right?</p> <p>8 A. Yes.</p> <p>9 Q. You copied Ms. Anderson?</p> <p>10 A. Yes.</p> <p>11 Q. And Ron Stadnika?</p> <p>12 A. Correct.</p> <p>13 Q. Who is Mr. Stadnika?</p> <p>14 A. He at the time was the head of the State Court</p> <p>15 Administrative Offices auditing division.</p> <p>16 Q. And this is a memo memorializing your -- the way you</p> <p>17 addressed the issue about the court's handling of</p> <p>18 funds, right, the issue we were just discussing from</p> <p>19 the David Jones letter?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And you determined that no further mediation</p> <p>22 was necessary, correct, that's under your conclusion</p> <p>23 on page 3?</p> <p>24 A. Do I say that? Okay.</p> <p>25 Q. First sentence under conclusion, right, you agree with</p>

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<p style="text-align: right;">Page 65</p> <p>1 that?</p> <p>2 A. Right, because there was a council meeting coming up.</p> <p>3 We thought that was going to resolve everything.</p> <p>4 Q. Right. You indicated that you had some hope that the</p> <p>5 City of Inkster would pass a resolution allowing the</p> <p>6 court to move money between line items, right, without</p> <p>7 city prior approval, right?</p> <p>8 A. Correct.</p> <p>9 Q. By the way, do you know if that ever happened?</p> <p>10 A. I don't. I don't remember.</p> <p>11 Q. And in fact you determined that at its core this was</p> <p>12 not really a dispute about funding of the court,</p> <p>13 right?</p> <p>14 A. Right.</p> <p>15 Q. And you also determined that the city's allegations</p> <p>16 that the court refused to communicate or meet with it</p> <p>17 was not true, right?</p> <p>18 A. Do I say that?</p> <p>19 Q. You do.</p> <p>20 A. Okay, then yeah.</p> <p>21 Q. I'm happy to refer you if you want to look at it.</p> <p>22 A. No, no, that's okay.</p> <p>23 Q. And take your time, as with any document, by the way.</p> <p>24 A. No, if I said it, I believe it.</p> <p>25 Q. Okay. Focussing again on the grievance you did file,</p>	<p style="text-align: right;">Page 67</p> <p>1 meetings?</p> <p>2 A. I don't really recall. It's possible Paul Fischer</p> <p>3 was, but I don't really recall. Maggie was the lead</p> <p>4 attorney on it.</p> <p>5 Q. What was the nature of your discussion with Ms.</p> <p>6 Ryneir, Maggie?</p> <p>7 A. Answering her questions about, you know, the</p> <p>8 background and providing documents and that kind of</p> <p>9 thing.</p> <p>10 Q. Do you recall what questions she asked you about the</p> <p>11 background?</p> <p>12 A. No.</p> <p>13 Q. Okay. Do you recall what documents you provided</p> <p>14 beyond what is attached, if anything, beyond what's</p> <p>15 attached to your grievance?</p> <p>16 A. I can't imagine what else I would have had other than</p> <p>17 what's attached here.</p> <p>18 Q. And just so the record is clear, you said Mr. Fischer</p> <p>19 may or may not have been there, you're not sure,</p> <p>20 correct?</p> <p>21 A. I don't actually remember him being there. I remember</p> <p>22 meeting with Maggie, but whether he was in the same</p> <p>23 room at any time, it could have happened. I don't</p> <p>24 know.</p> <p>25 Q. Did you have any conversations with Mr. Fischer about</p>
<p style="text-align: right;">Page 66</p> <p>1 Exhibit 1 in June 2011, did you speak to anyone at the</p> <p>2 JTC prior to filing your grievance in June 2011? And</p> <p>3 I'm referring of course about Judge James.</p> <p>4 A. I don't believe I did.</p> <p>5 Q. After you filed the grievance, did you have</p> <p>6 communications with anyone from the JTC?</p> <p>7 A. Typically they would contact our office and ask for</p> <p>8 comments, so I would respond to whatever they</p> <p>9 requested.</p> <p>10 Q. You recall that you gave some testimony at the formal</p> <p>11 hearing on Judge James' complaint, correct?</p> <p>12 A. Yes.</p> <p>13 Q. I'm sure not fondly, I can tell, right?</p> <p>14 A. It made me a TV star, though, so I got that going for</p> <p>15 me.</p> <p>16 Q. Okay. Your testimony was true and accurate, correct?</p> <p>17 A. Yes.</p> <p>18 Q. You testified at that time that you had, you think you</p> <p>19 met with the examiner's office twice. Would that be</p> <p>20 accurate?</p> <p>21 A. That would sound right, yes.</p> <p>22 Q. And do you recall who you met with in each of those</p> <p>23 meetings?</p> <p>24 A. I believe it was Maggie Ryneir.</p> <p>25 Q. Was anyone else present during either of those</p>	<p style="text-align: right;">Page 68</p> <p>1 Judge James' matter? And I guess to make the</p> <p>2 timeframe I guess more accurate, I'm talking about in</p> <p>3 or around, you know, June 2011 when the complaint was</p> <p>4 being considered.</p> <p>5 A. No. I believe I talked to him briefly just before the</p> <p>6 hearing just about, you know, here is what is going to</p> <p>7 happen, but no, at this time not at all.</p> <p>8 Q. So that would be before the formal hearing which took</p> <p>9 place in January of 2012 --</p> <p>10 A. Okay.</p> <p>11 Q. -- mid to late January? It went on for a number of</p> <p>12 days, right?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know a gentleman named Cas Swastek?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Who is he?</p> <p>17 A. He's another attorney in the Tenure Commission's</p> <p>18 office.</p> <p>19 Q. Did you ever have any conversation was Mr. Swastek</p> <p>20 about Judge James' matter?</p> <p>21 A. Boy, it's possible. I hate to belittle Cas, but he</p> <p>22 was kind of a lower echelon guy, so he may have been</p> <p>23 the one who called and contacted and said I need a</p> <p>24 copy of her attendance reports for these years, so it</p> <p>25 would have been that kind of conversation, nothing in</p>

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<p style="text-align: right;">Page 69</p> <p>1 depth.</p> <p>2 Q. And not to belittle him at all, but you are saying you</p> <p>3 don't remember one way or the other whether you talked</p> <p>4 to him about this matter?</p> <p>5 A. I don't remember, but it's certainly possible.</p> <p>6 Q. You do know him, and you may have talked to him about</p> <p>7 other things, right?</p> <p>8 A. Yes, oh, of course.</p> <p>9 Q. Okay. Now, when you had these meetings with at least</p> <p>10 Ms. Ryneir, did she call you and say I want to have a</p> <p>11 meeting or did you call her to arrange a meeting?</p> <p>12 A. She would have called me.</p> <p>13 Q. Now, after Judge James was placed on administrative</p> <p>14 leave and before you actually submitted the grievance</p> <p>15 in June 2011, did you have any further conversations</p> <p>16 with the chief justice about Judge James' matter?</p> <p>17 A. So between April and June? I don't believe so. If I</p> <p>18 reported any progress, I would have reported it to my</p> <p>19 state board administrator, I would not have reported</p> <p>20 it straight to the chief, so I doubt it.</p> <p>21 Q. That would be Mr. Schmucker, correct, or did that</p> <p>22 change?</p> <p>23 A. It was kind of a revolving door there for a while.</p> <p>24 Q. Okay.</p> <p>25 A. Chad was only there for a year. So yes.</p>	<p style="text-align: right;">Page 71</p> <p>1 correct?</p> <p>2 A. No, never.</p> <p>3 Q. You have filed other requests for investigation as to</p> <p>4 other judges, correct?</p> <p>5 A. I have.</p> <p>6 Q. Are you familiar with Judge James Kandrevas?</p> <p>7 A. Yes.</p> <p>8 Q. Was he in your region?</p> <p>9 A. Yes.</p> <p>10 Q. Are you familiar that there was a civil case involving</p> <p>11 Judge Kandrevas that questioned the way he handled</p> <p>12 some funds?</p> <p>13 A. Yes.</p> <p>14 Q. Did you file a grievance against Judge Kandrevas?</p> <p>15 MS. MILLER: I'm going to place an</p> <p>16 objection and instruct her not to answer with regard</p> <p>17 to whether a grievance was filed unless it ultimately</p> <p>18 resulted in a formal complaint, based upon the</p> <p>19 agreement that we had reached during the discovery of</p> <p>20 this case.</p> <p>21 MR. HIRSCH: Well, I don't think we reached</p> <p>22 an agreement that I couldn't ask a potential grievant</p> <p>23 whether that person filed a grievance. I mean that's</p> <p>24 not privileged. The grievant is free to disclose what</p> <p>25 they filed.</p>
<p style="text-align: right;">Page 70</p> <p>1 Q. Do you recall one way or another whether you had</p> <p>2 conversations with your administrator between the time</p> <p>3 Judge James had been placed on administrative leave</p> <p>4 but before you had filed the grievance?</p> <p>5 A. Yes. I'm sure I would have.</p> <p>6 Q. Okay. What were the nature of those discussions?</p> <p>7 A. Basically just an update, here is what is going on,</p> <p>8 here is what we found, and I wouldn't normally file --</p> <p>9 I would never file a complaint with the JTC without</p> <p>10 clearing it, running it by my state court</p> <p>11 administrator first, so I would have kept him up to</p> <p>12 date as to what my plans were going forward.</p> <p>13 Q. So in order to file the grievance, you had to get the</p> <p>14 approval of whoever was the state court administrator</p> <p>15 at that time; is that correct?</p> <p>16 A. Approval is kind of a strong word. I would certainly</p> <p>17 run it by them and let them know.</p> <p>18 Q. So it would be fair to say that the state court</p> <p>19 administrator agreed with your filing the grievance in</p> <p>20 June of 2011?</p> <p>21 A. Absolutely.</p> <p>22 Q. Okay. And did you require the approval of the chief</p> <p>23 justice to file the grievance?</p> <p>24 A. Not at all, no. We would never do that.</p> <p>25 Q. And I take it nor any of the other associate justices,</p>	<p style="text-align: right;">Page 72</p> <p>1 MS. MILLER: Actually if you look at the</p> <p>2 court rules, all of the information prior to the</p> <p>3 complaint, the grievant's name, whether the grievance</p> <p>4 was filed, is confidential until there is a formal</p> <p>5 complaint. That was the basis for our motion.</p> <p>6 MR. HIRSCH: So are you directing her not</p> <p>7 to answer?</p> <p>8 MS. MILLER: I am.</p> <p>9 BY MR. HIRSCH:</p> <p>10 Q. Are you aware of whether there was any formal</p> <p>11 complaint filed against Judge Kandrevas?</p> <p>12 A. I don't recall one, but I don't really remember. I</p> <p>13 don't believe there was.</p> <p>14 Q. Judge Kandrevas was not placed on administrative</p> <p>15 leave, correct?</p> <p>16 A. Not to my knowledge, no.</p> <p>17 Q. Well, he was in your region, right --</p> <p>18 A. Correct.</p> <p>19 Q. -- so you would probably know that?</p> <p>20 A. I would.</p> <p>21 Q. Judge Kandrevas is Caucasian, right?</p> <p>22 A. Correct.</p> <p>23 Q. Are you familiar with Judge James Byron Konschuh? I</p> <p>24 may be pronouncing that incorrectly, but for our court</p> <p>25 reporter, K-O-N-S-C-H-U-H?</p>

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<p style="text-align: right;">Page 73</p> <p>1 A. Not in my region.</p> <p>2 Q. Are you familiar with him generally, though?</p> <p>3 A. Not really. I vaguely recognize the name.</p> <p>4 Q. Okay. Are you familiar with Judge David Stowe?</p> <p>5 A. Again, not in my region. I recognize the name. I</p> <p>6 think he's up north.</p> <p>7 Q. Okay. Are you familiar with Judge Mary Waterstone?</p> <p>8 A. A long time ago judge in Detroit.</p> <p>9 Q. She was a judge on the Wayne County Circuit Court if</p> <p>10 that refreshes your recollection.</p> <p>11 A. Vaguely.</p> <p>12 Q. Do you recall that she was in your region while you</p> <p>13 were the regional administrator?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall that there were allegations against</p> <p>16 Judge Waterstone alleging she suborned perjury?</p> <p>17 A. I do recall that. I didn't file it.</p> <p>18 Q. Judge Waterstone was Caucasian, correct?</p> <p>19 A. I honestly don't know.</p> <p>20 Q. And just so the record is clear -- because I know</p> <p>21 you're going to object -- but you did not file a</p> <p>22 grievance against Judge Waterstone?</p> <p>23 MS. MILLER: I am going to object and</p> <p>24 instruct you not to answer that.</p> <p>25 BY MR. HIRSCH:</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. Also in the 48th District Court, correct?</p> <p>2 A. Right.</p> <p>3 Q. Do you recall that there was a civil case filed by a</p> <p>4 former clerk of the 48th District Court alleging</p> <p>5 improper termination and defamation?</p> <p>6 A. I learned of that after the fact, but yes, I do -- I</p> <p>7 know about it just from what I read in the newspaper.</p> <p>8 Q. Did this occur during the time you were regional</p> <p>9 administrator for the region that included the 48th</p> <p>10 District Court?</p> <p>11 A. Yes.</p> <p>12 Q. Judge Barron is Caucasian; is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. Judge Small is Caucasian; is that correct?</p> <p>15 A. Correct.</p> <p>16 Q. And again, just so the record is clear, did you file a</p> <p>17 grievance against Judge Barron?</p> <p>18 MS. MILLER: Same objection, don't answer.</p> <p>19 BY MR. HIRSCH:</p> <p>20 Q. Did you file a grievance against Judge Small?</p> <p>21 MS. MILLER: Same objection.</p> <p>22 MR. HIRSCH: I think we can take a short</p> <p>23 break maybe for the restroom, and we will start a</p> <p>24 somewhat new topic.</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 74</p> <p>1 Q. Okay. Are you familiar with Judge Mark Somers?</p> <p>2 A. Yes.</p> <p>3 Q. Was he a judge in your region?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall that there was a jury award rendered</p> <p>6 against Judge Somers?</p> <p>7 A. Yes.</p> <p>8 Q. You recall it was substantial, right?</p> <p>9 A. Yes.</p> <p>10 Q. Judge Somers is Causation, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And again, did you file a grievance against Judge</p> <p>13 Somers?</p> <p>14 MS. MILLER: Same objection, don't answer.</p> <p>15 BY MR. HIRSCH:</p> <p>16 Q. Are you familiar with Judge Mark Barron?</p> <p>17 A. Yes.</p> <p>18 Q. And Judge Barron is in your region, correct?</p> <p>19 A. Correct.</p> <p>20 Q. 48th District Court, right?</p> <p>21 A. Oakland County, yes.</p> <p>22 Q. Are you familiar with Judge Kimberly Small?</p> <p>23 A. Yes.</p> <p>24 Q. She is also in your region, correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 76</p> <p>1 (Recess taken at 11:00 a.m.)</p> <p>2 (Back on the record at 11:05 a.m.)</p> <p>3 BY MR. HIRSCH:</p> <p>4 Q. Judge Washington was appointed as the acting chief</p> <p>5 judge of the 22nd District Court, correct?</p> <p>6 A. Correct.</p> <p>7 Q. How was Judge Washington selected?</p> <p>8 A. Well, I tried to put together a list of retired judges</p> <p>9 that were not so local that they would either know or</p> <p>10 have any feelings or bias about Judge James. I had</p> <p>11 worked with Judge Washington, he was with a retired</p> <p>12 judge, and he was working with the treasurer's office,</p> <p>13 the state treasurer's office, and I had dealt with him</p> <p>14 on a number of occasions in courts that had funding</p> <p>15 units that had emergency management, and so it was</p> <p>16 always this struggle when cities or counties -- well,</p> <p>17 it was all cities -- had emergency managers as to who</p> <p>18 really ran the court at that moment in time, so there</p> <p>19 was always this conflict, and so Judge -- Val</p> <p>20 Washington and I had worked together on more than one</p> <p>21 court and their funding unit disputes with emergency</p> <p>22 management, so I knew he had a good financial</p> <p>23 background. And so retired, didn't want to be so</p> <p>24 local that they would have prior thoughts about Sylvia</p> <p>25 James, and then Judge Washington, because of his</p>

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<p style="text-align: right;">Page 77</p> <p>1 financial background, was sort of our go-to guy.</p> <p>2 Q. So was he the only judge that was suggested for this</p> <p>3 position?</p> <p>4 A. He was the only one that we approached because he was</p> <p>5 our first choice, and he eventually did say yes. We</p> <p>6 did have others on the list, and you are going to ask</p> <p>7 me who, and I don't remember.</p> <p>8 Q. So who made the decision that Judge Washington was the</p> <p>9 first choice?</p> <p>10 A. Well, ultimately me, he was my first choice, and then</p> <p>11 I believe Chad and the chief justice agreed that he</p> <p>12 was a good selection.</p> <p>13 Q. Why would it matter if the potential judge had any</p> <p>14 affiliation with Judge James?</p> <p>15 A. There were a lot of judges in Wayne County that had a</p> <p>16 very negative opinion of Judge James, and so we</p> <p>17 didn't -- we wanted somebody to come in that had no</p> <p>18 bias for her or against her.</p> <p>19 Q. But why was whether they had a bias for or against her</p> <p>20 important?</p> <p>21 A. Because we wanted to get a clear picture and a fair</p> <p>22 picture of what was going on in this court. We didn't</p> <p>23 want to be colored or tainted by anybody's prior</p> <p>24 opinion of her.</p> <p>25 Q. Because you were doing some investigation as to what</p>	<p style="text-align: right;">Page 79</p> <p>1 so poor. Cases were so old that sometimes they would</p> <p>2 come in and handle cases while Judge James was off</p> <p>3 going to lunch or something like that. They felt that</p> <p>4 they were being used.</p> <p>5 Q. So none of those complaints, though, whenever you may</p> <p>6 have received them, prompted any investigation by the</p> <p>7 SCAO, correct?</p> <p>8 A. Correct.</p> <p>9 MR. HIRSCH: Can we mark this, please?</p> <p>10 MARKED FOR IDENTIFICATION:</p> <p>11 DEPOSITION EXHIBIT 5</p> <p>12 11:10 a.m.</p> <p>13 BY MR. HIRSCH:</p> <p>14 Q. Ms. Green, our court reporter has just handed you what</p> <p>15 we have marked as Exhibit 5. It is a letter dated</p> <p>16 April 15, 2011 from Mr. Schmucker to Judge Washington.</p> <p>17 Do you have that in front of you?</p> <p>18 A. Yes.</p> <p>19 Q. It looks like you were cc-ed on this letter on the</p> <p>20 third page; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Do you recall this letter?</p> <p>23 A. Yes.</p> <p>24 Q. Did you draft this letter?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 78</p> <p>1 had occurred, correct?</p> <p>2 A. Yeah.</p> <p>3 Q. And you said that a lot of judges in Wayne County had</p> <p>4 a poor opinion of Judge James; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. How did you know that?</p> <p>7 A. They told me.</p> <p>8 Q. When did you have occasion to discuss opinions of</p> <p>9 Judge James with judges in Wayne County?</p> <p>10 A. Meetings, conferences, you name it.</p> <p>11 Q. And it just came up?</p> <p>12 A. Sometimes.</p> <p>13 Q. And this was before she was placed on administrative</p> <p>14 leave; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Because you knew this when you were considering</p> <p>17 selecting a judge to become acting chief judge?</p> <p>18 A. Yes. I had difficulty getting judges that would go in</p> <p>19 there as a visiting judge because they had had prior</p> <p>20 contact with Judge James and didn't want anything to</p> <p>21 do with it.</p> <p>22 Q. So what sorts of complaints were raised about Judge</p> <p>23 James?</p> <p>24 A. That she ran a terrible caseload, that judges didn't</p> <p>25 want to touch the cases because the documentation was</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Do you know who did?</p> <p>2 A. No.</p> <p>3 Q. Do you see starting on page 2 and going over to page 3</p> <p>4 there is a listing of seven points that says we would</p> <p>5 like you to investigate and resolve, do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know who prepared that list of seven points?</p> <p>8 A. Well, it's probably based on some of my information,</p> <p>9 but I'm assuming whoever wrote this letter, Chad or I</p> <p>10 don't know.</p> <p>11 Q. And you would agree with me that this letter is asking</p> <p>12 Judge Washington to conduct some investigation, right?</p> <p>13 A. Yes.</p> <p>14 Q. And some of the items are requesting Judge Washington</p> <p>15 to locate documents, correct, for example, item 2?</p> <p>16 A. Yes.</p> <p>17 Q. And also item 4 is asking Judge Washington to attempt</p> <p>18 to locate records about a National Drug Court</p> <p>19 Conference, do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And that was an issue in fact that you had raised in</p> <p>22 your June 2011 grievance, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Now, at this point in April 2015, you indicated you</p> <p>25 had not spoken to anyone at the JTC, correct?</p>


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<p style="text-align: right;">Page 81</p> <p>1 A. Correct.</p> <p>2 Q. Do you know whether Mr. Schmucker had spoken to anyone</p> <p>3 at the JTC?</p> <p>4 A. I would not know that.</p> <p>5 Q. So as far as far as you know this investigation was</p> <p>6 being conducted for the SCAO, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know whether Judge Washington found the 1099s</p> <p>9 referenced in item number 2?</p> <p>10 A. I don't know for specific, no.</p> <p>11 Q. So you don't recall whether those were provided to the</p> <p>12 SCAO?</p> <p>13 A. I know we have some 1099s. I don't know like this</p> <p>14 says, you know, missing -- I don't know if these are</p> <p>15 exactly what Chad was asking for.</p> <p>16 Q. Okay. Item number 4, talking about records related to</p> <p>17 National Drug Conference in Boston in 2010, do you see</p> <p>18 that?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know if Judge Washington provided you with any</p> <p>21 records -- provided the SCAO with any records related</p> <p>22 to that?</p> <p>23 A. I have seen some of the check requests stuff, so I</p> <p>24 believe that was in response to that.</p> <p>25 Q. Judge James of course had an office at the 22nd</p>	<p style="text-align: right;">Page 83</p> <p>1 James' counsel after she was placed on leave?</p> <p>2 A. I believe it was in a meeting -- it wasn't just with</p> <p>3 Sharon McPhail, I believe it was at a meeting with her</p> <p>4 and the judge and Chad and me.</p> <p>5 Q. And do you recall that you and Mr. Schmucker agreed</p> <p>6 that you would not invade Judge James' safe without</p> <p>7 her being there?</p> <p>8 A. I remember talking about her personal privacy. She</p> <p>9 was worried about her desk and her credenza, and she</p> <p>10 may have mentioned a safe, I don't remember a safe,</p> <p>11 but it was her stuff.</p> <p>12 Q. Do you recall this question and answer during your</p> <p>13 January 24, 2012 testimony at the JTC proceeding, the</p> <p>14 question: At that time that you and Mr. Schmucker</p> <p>15 indicated to me -- and that's Sharon McPhail I believe</p> <p>16 asking these questions -- that you would not invade</p> <p>17 the judge's personal safe without her being there?</p> <p>18 Answer: Correct.</p> <p>19 A. Okay.</p> <p>20 Q. That would be accurate, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And did you at any time enter Judge James' office</p> <p>23 after she was placed on leave?</p> <p>24 A. Yes.</p> <p>25 Q. And you did that with Judge Washington, correct?</p>
<p style="text-align: right;">Page 82</p> <p>1 District Court, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know whether that office was locked when Judge</p> <p>4 James was placed on administrative leave?</p> <p>5 A. That day, I don't remember.</p> <p>6 Q. Do you know who had keys to her office?</p> <p>7 A. No.</p> <p>8 Q. So I take it you don't know how Judge Washington got</p> <p>9 keys to her office, correct?</p> <p>10 A. I don't remember.</p> <p>11 Q. Okay. You have been to the 22nd District Court,</p> <p>12 correct?</p> <p>13 A. Many times.</p> <p>14 Q. You have seen that office, correct?</p> <p>15 A. A couple of times.</p> <p>16 Q. There was a safe located in Judge James' office; is</p> <p>17 that correct?</p> <p>18 A. Well, I know that now, but I didn't know that then.</p> <p>19 Q. So you didn't personally observe the safe at any time?</p> <p>20 A. No.</p> <p>21 Q. Okay. So you don't know whether the safe was locked</p> <p>22 at the time Judge James was placed on leave?</p> <p>23 A. No.</p> <p>24 Q. Do you recall that you had a discussion about</p> <p>25 accessing Judge James' office and safe with Judge</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Correct.</p> <p>2 Q. Was that on April 14th, 2011?</p> <p>3 A. I can't say that's the only time I have ever been in</p> <p>4 her office.</p> <p>5 Q. Fair to say that would be the first time after she was</p> <p>6 placed on leave that you were in her office?</p> <p>7 A. Well, I was there when -- on day one -- is that the</p> <p>8 day she was placed on leave?</p> <p>9 Q. Well, I think we have determined it was either the</p> <p>10 13th or it could have been the 14th, but yes.</p> <p>11 A. Then yes, sorry. Yes, that's the date.</p> <p>12 Q. Okay. So on that date, whether it was the 13th or the</p> <p>13 14th, but that first time at Judge James' office, what</p> <p>14 did you do?</p> <p>15 A. I basically showed Judge Washington in, and I don't</p> <p>16 know what happened after that, but I was basically</p> <p>17 just sort of the escort.</p> <p>18 Q. Okay. And you told me that you did not notice a safe</p> <p>19 at that time or any time you were there, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. You did not have any trouble opening the door</p> <p>22 to her office, I assume?</p> <p>23 A. I don't remember any trouble.</p> <p>24 Q. Okay.</p> <p>25 A. I don't know how we got in, but we were in.</p>

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<p style="text-align: right;">Page 85</p> <p>1 Q. You do recall that subsequently Judge James mentioned 2 that she thought someone had tampered with her safe, 3 correct? 4 A. Yes. 5 Q. Do you recall that you met with Judge James and some 6 of her attorneys, Mr. Thomas and Ms. McPhail on July 7 14, 2011? 8 A. Boy, I don't remember that. 9 Q. Let me see if I can refresh your recollection again 10 from your testimony on January 24th, 2012. Question: 11 You were present on July 14, 2011 when Mr. Thomas and 12 I -- and again I believe this is Ms. McPhail asking 13 the questions -- and Judge James were allowed the one 14 hour to come in and pick up whatever documents we 15 could get? Answer: Yes. Does refresh your 16 recollection? 17 A. Yes, yes. It wasn't a meeting. He were there at our 18 court for her to gather her personal belongings. 19 Q. And you recall she was allowed one hour to do that? 20 A. Yes. 21 Q. Do you remember why there was a one hour limit? 22 A. Again, concerns about tampering and basically just 23 felt if she needed to get personal belongings, that 24 was enough time. 25 Q. Do you know who set that limit?</p>	<p style="text-align: right;">Page 87</p> <p>1 just want to be clear. 2 A. April 14th is when we put her on admin leave, right? 3 Q. 13th or 14th, I think. 4 A. And then sometime after that Sharon McPhail, Sylvia 5 James, Chad Schmucker are in my office, and that's 6 where they were very concerned about her personal 7 belongings, and I made her assurances that that's not 8 what we were interested in. We would not mess with 9 her personal stuff, so I don't remember what date that 10 was. 11 Q. Okay. You did not have any meetings with the 12 employees of the 22nd District Court after Judge James 13 was placed on leave, correct? 14 A. No. 15 Q. You did, however, speak with Pamela Anderson, correct? 16 A. Yes. 17 Q. And again, Ms. Anderson was the court administrator, 18 right? 19 A. Correct. 20 Q. And she continued as court administrator when Judge 21 Washington became acting chief judge, correct? 22 A. Yes. 23 Q. How many conversations did you have with Ms. Anderson? 24 A. I don't remember exactly. Not many. 25 Q. Do you recall the nature of the conversations with Ms.</p>
<p style="text-align: right;">Page 86</p> <p>1 A. No. 2 Q. Was it you? 3 A. It might have been. I don't know. I can't remember. 4 Q. You were physically there that day, right? 5 A. Yes, I was. 6 Q. So you could have observed if there was any tampering 7 or anything else going on, right? 8 A. Yes. 9 Q. And again, you did not notice the safe on that day 10 either, right? 11 A. I never saw it. 12 Q. You did tell Judge Washington that no one was supposed 13 to go into Judge James' personal safe, correct? 14 A. I don't know that I said personal safe. He and I 15 discussed the fact that her personal belongings were 16 going to be left alone, and he and I agreed we 17 didn't -- that wasn't why we were there. We didn't 18 care. 19 Q. Do you recall when you told Judge Washington that? 20 A. Whatever date that meeting was with Sharon McPhail and 21 Sylvia and Chad, it would have either been -- I don't 22 think it was later that day. I think it would have 23 been the next day. 24 Q. So that was the meeting that took place in April, 25 right? We are not talking about the July meeting. I</p>	<p style="text-align: right;">Page 88</p> <p>1 Anderson? 2 A. Typically it was to ask for follow-up information. 3 Q. And that would be follow-up information in connection 4 with your preparation of the grievance between April 5 and June 2011; is that right? 6 A. Yes, or to assist Judge Washington in effectuating 7 some of the changes that he wanted to make. 8 Q. Well, Judge Washington was actually at the court, 9 right? 10 A. Correct. 11 Q. And he had authority to direct Ms. Anderson, right? 12 A. Right. 13 Q. Okay. Did you ever make any offer to Ms. Anderson 14 that if she cooperated in the investigation of Judge 15 James, she would be given immunity? 16 A. No. I would have no authority to do that. 17 Q. Did you ever indicate to Ms. Anderson that if she 18 cooperated, you would not pursue a bar complaint 19 against her? 20 A. I know she was worried about what had happened at the 21 court and her involvement and all of that and was very 22 concerned about her bar card. Would I have told her I 23 wouldn't file an AGC complaint? I may have, but I 24 don't remember that. 25 Q. You didn't file a bar complaint against Ms. Anderson,</p>

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<p style="text-align: right;">Page 89</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. Were you present for Ms. Anderson's testimony at the</p> <p>4 JTC hearing?</p> <p>5 A. No.</p> <p>6 Q. Did you ever review a transcript of Ms. Anderson's</p> <p>7 testimony from the JTC hearing?</p> <p>8 A. No.</p> <p>9 Q. What did you do to prepare for this deposition?</p> <p>10 A. She sent me my testimony from the JTC trial. I read</p> <p>11 it.</p> <p>12 Q. So you did review your own transcript testimony from</p> <p>13 the JTC hearing?</p> <p>14 A. I did.</p> <p>15 Q. Other than conversations you may have had with</p> <p>16 counsel, have you had any other conversations about</p> <p>17 this matter that we didn't discuss today?</p> <p>18 A. No.</p> <p>19 MR. HIRSCH: Okay. If I could take one</p> <p>20 moment to look through my list, but I think I'm</p> <p>21 probably done.</p> <p>22 (Off the record at 11:26 a.m.)</p> <p>23 (Back on the record at 11:27 a.m.)</p> <p>24 MR. HIRSCH: Thank you, Ms. Green, I have</p> <p>25 nothing further.</p>	<p style="text-align: right;">Page 91</p> <p>1 CERTIFICATE OF NOTARY</p> <p>2 STATE OF MICHIGAN)</p> <p>3) SS</p> <p>4 COUNTY OF WAYNE)</p> <p>5</p> <p>6 I, SHARON CAMPBELL, certify that this</p> <p>7 deposition was taken before me on the date</p> <p>8 hereinbefore set forth; that the foregoing questions</p> <p>9 and answers were recorded by me stenographically and</p> <p>10 reduced to computer transcription; that this is a</p> <p>11 true, full and correct transcript of my stenographic</p> <p>12 notes so taken; and that I am not related to, nor of</p> <p>13 counsel to, either party nor interested in the event</p> <p>14 of this cause.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <div style="text-align: right;">  <p>SHARON CAMPBELL, CSR-3406 Notary Public, Wayne County, Michigan My Commission expires: June 9, 2019</p> </div>
<p style="text-align: right;">Page 90</p> <p>1 MS. MILLER: I have no questions for you.</p> <p>2 MR. RATLIFF: No questions.</p> <p>3 MR. ASHER: No questions.</p> <p>4 (The deposition was concluded at 11:27 a.m.</p> <p>5 Signature of the witness was not requested by</p> <p>6 counsel for the respective parties hereto.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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DEBORAH GREEN

II

January 5, 2018

Prepared for you by



Bingham Farms/Southfield • Grand Rapids
Ann Arbor • Detroit • Flint • Jackson • Lansing • Mt. Clemens • Saginaw • Troy

DEBORAH GREEN
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<p style="text-align: right;">Page 92</p> <p>1 IN THE DISTRICT COURT OF THE UNITED STATES 2 FOR THE EASTERN DISTRICT OF MICHIGAN 3 SOUTHERN DIVISION 4 5 SYLVIA JAMES, 6 Plaintiff, 7 vs. Case No. 2:12-CV-10273 8 Hon. Paul Borman 9 HILLIARD HAMPTON, et al, 10 Defendants. 11 / 12 13 14 The Deposition of DEBORAH GREEN, Vol. II 15 Taken at 3030 West Grand Boulevard, 16 Detroit, Michigan, 17 Commencing at 9:56 a.m. 18 Friday, January 5, 2018, 19 Before Nora Morrissy, CSR-2642. 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 94</p> <p>1 ALLYSON TERPSMA 2 Warner, Norcross & Judd, L.L.P. 3 111 Lyon Street, NW 4 Suite 900 5 Grand Rapids, Michigan 49503 6 616.752.2539 7 aterpsma@wnj.com 8 Appearing on behalf of the Defendant Fischer. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 93</p> <p>1 APPEARANCES: 2 3 JASON HIRSCH 4 Morganroth & Morganroth, P.L.L.C. 5 344 North Old Woodward 6 Suite 200 7 Birmingham, Michigan 48009 8 248.864.4000 9 jhirsch@morganrothlaw.com 10 Appearing on behalf of the Plaintiff. 11 12 JEANMARIE MILLER 13 Assistant Attorney General 14 State of Michigan 15 Department of Attorney General 16 525 West Ottawa Street 17 Floor 5 18 Lansing, Michigan 48933 19 517.373.6434 20 millerj51@michigan.gov 21 Appearing on behalf of the Defendant. 22 23 24 25</p>	<p style="text-align: right;">Page 95</p> <p>1 TABLE OF CONTENTS 2 3 Witness Page 4 DEBORAH GREEN 5 6 EXAMINATION 7 BY MR. HIRSCH: 97 8 9 EXHIBITS 10 11 Exhibit Page 12 (Exhibits not offered.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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<p style="text-align: right;">Page 96</p> <p>1 Detroit, Michigan 2 Friday, January 5, 2018 3 9:56 a.m. 4 5 DEBORAH GREEN, 6 was thereupon called as a witness herein, and after 7 having first been duly sworn to testify to the truth, 8 the whole truth and nothing but the truth, was 9 examined and testified as follows: 10 MR. HIRSCH: Good morning, Miss Green. We 11 met before, but my name is Jason Hirsch. I'm one of 12 the attorney for plaintiffs in this matter. 13 Let the record show that this is the 14 continuation of the deposition of Deborah Green taken 15 pursuant to notice under the Federal Rules of Civil 16 Procedure. 17 At our last session I went over some ground 18 rules. 19 Do you need me to go over those again or do 20 you have a pretty good recollection? 21 THE WITNESS: That's fine, I understand. 22 MR. HIRSCH: And I certainly don't expect 23 this is going to be very long, but if you do need a 24 break at any time, let me know. In fact I think it's 25 going to be short.</p>	<p style="text-align: right;">Page 98</p> <p>1 don't know if that was the entire issue in the civil 2 case but I know it was part of the issues. 3 Q. It was at least one of the allegations that you 4 recall? 5 A. Yes. 6 Q. Did you file a grievance against Judge Kandrevas? 7 A. A Tenure Commission grievance, no. 8 Q. Why not? 9 A. The issue had come -- by court rule you can file a 10 complaint with the State Court Administrative Office 11 or the Tenure Commission. If you file a complaint 12 with the State Court Administrative Office, I'm going 13 to seek an administrative solution. It's an 14 administrative office. We have no disciplinary 15 authority. 16 So, when the issue with regard to -- he had 17 written a letter to a local grocery store soliciting, 18 arguably soliciting food for a softball game, and that 19 letter came to my attention, actually the court 20 administrator filed a complaint with me. 21 I looked at the letter, contacted Judge 22 Kandrevas, talked to him about it, he understood the 23 letter was wrong. He didn't see it as solicitation 24 because the grocery store had donated food to this 25 baseball game for like 20 years. He was just letting</p>
<p style="text-align: right;">Page 97</p> <p>1 EXAMINATION 2 BY MR. HIRSCH: 3 Q. There were a few questions that I asked you last time 4 that you declined to answer based on the advice of 5 counsel and assertion of privilege. 6 Do you recall that? 7 A. Yes. 8 Q. And we had a session with Magistrate Judge Whalen who 9 determined that some of those questions should be 10 answered. 11 Do you understand that? 12 A. Yes. 13 Q. I'm going to ask you some of those questions now, 14 okay? 15 A. Okay. 16 Q. You told me in our last session that you are familiar 17 with Judge James Kandrevas, correct? 18 A. Correct. 19 Q. And he was one of the judges in your region when you 20 were a regional administrator, correct? 21 A. Yes. 22 Q. And you told me that you were familiar with a civil 23 case that had allegations about the way Judge 24 Kandrevas had handled some funds, correct? 25 A. Yes. To the best of my knowledge that was part -- I</p>	<p style="text-align: right;">Page 99</p> <p>1 them know how much. 2 Anyway, I talked to him, he agreed it was 3 wrong, he agreed to never do it again. That was my 4 administrative solution. 5 I did not see any need to forward that to 6 the Tenure Commission. To me the problem was 7 solved. 8 Q. So, with respect to what you had seen in that letter, 9 you believe that the administrative solution was the 10 right solution with respect to Judge Kandrevas, 11 correct? 12 A. Correct. 13 Q. Did you hear any other allegations regarding Judge 14 Kandrevas that concerned you? 15 A. No. 16 Q. I'm going to move on to the next one now. 17 A. Okay. 18 Q. In our last session you told me that you were familiar 19 with Judge Mary Waterstone, correct? 20 A. If I said familiar, I misspoke. I barely knew the 21 woman, and she was a member of one of the larger 22 courts. I think she was Third Circuit or 36th 23 District, I can't remember, and oftentimes I know very 24 little about the individual judges. I tend to deal in 25 the larger courts with the chief judge and the heads</p>

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<p style="text-align: right;">Page 100</p> <p>1 of the divisions.</p> <p>2 Q. And to be fair the question I asked you about Judge</p> <p>3 Waterstone was, question, she was a judge in the Wayne</p> <p>4 County Circuit Court if that refresh your</p> <p>5 recollection, and you answered vaguely.</p> <p>6 That would be fair?</p> <p>7 A. That would be fair.</p> <p>8 Q. You did tell me you recall that she was a judge in</p> <p>9 your region?</p> <p>10 A. Correct.</p> <p>11 Q. And you did tell me that you recalled that there were</p> <p>12 some allegations regarding Judge Waterstone suborning</p> <p>13 perjury, correct?</p> <p>14 A. If I recalled that then, I don't recall it now. I</p> <p>15 know there was some issues regarding Judge Waterstone.</p> <p>16 I believe I learned about them from the Tenure</p> <p>17 Commission.</p> <p>18 Q. So, given what you just told me you learned it from</p> <p>19 the Tenure Commission, I take it you did not file a</p> <p>20 grievance against Judge Waterstone, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Do you have some understanding that a grievance had</p> <p>23 already been filed against Judge Waterstone?</p> <p>24 A. I knew she was already in trouble. I don't know how</p> <p>25 the -- the Tenure Commission can take issues up on</p>	<p style="text-align: right;">Page 102</p> <p>1 wrong, don't do it, take it off. He did that</p> <p>2 immediately, never used it again.</p> <p>3 Secondly is it's my understanding that the</p> <p>4 primary reason for that civil lawsuit had to do with</p> <p>5 personnel, HR issues which SCAO does not get involved</p> <p>6 in. Every court has its own personnel policies, they</p> <p>7 often mirror their funding units policies. We don't</p> <p>8 have any rules about it, it's not our issue.</p> <p>9 So, I don't get involved in HR decisions at</p> <p>10 local courts.</p> <p>11 Q. But if you heard about something happening at a local</p> <p>12 court that was not an administrative issue but you</p> <p>13 felt warranted referral to the JTC, could you file a</p> <p>14 grievance?</p> <p>15 A. Anybody can file a grievance. Doesn't have to come</p> <p>16 from me. So, yeah.</p> <p>17 Q. Would you consider that part of your duties as a</p> <p>18 regional administrator?</p> <p>19 A. Duties, no.</p> <p>20 Q. At our last session you told me that you are familiar</p> <p>21 with Judge Marc Barron of the 48th District Court. Is</p> <p>22 that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And you also told me that you were familiar with Judge</p> <p>25 Kimberly Small also of the 48th District Court,</p>
<p style="text-align: right;">Page 101</p> <p>1 their own without a grievance being filed. So, I</p> <p>2 don't know how it got to their attention. I just knew</p> <p>3 she was already in trouble.</p> <p>4 Q. Is that the reason then that you did not file a</p> <p>5 grievance?</p> <p>6 A. That and I had absolutely no firsthand knowledge of</p> <p>7 anything she had done.</p> <p>8 Q. At our last session you told me you were familiar with</p> <p>9 Judge Mark Somers, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And he was a judge in your region, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And you told me that you recalled there was a civil</p> <p>14 jury award rendered against Judge Somers, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Did you file a grievance against Judge Somers?</p> <p>17 A. No.</p> <p>18 Q. Why not?</p> <p>19 A. Two parts to that answer. First is, the first problem</p> <p>20 that came to my attention with Judge Somers was</p> <p>21 similar to Judge Kandrevas in that the court</p> <p>22 administrator brought to my attention Judge Somers had</p> <p>23 a biblical reference at the bottom of his judicial</p> <p>24 letterhead. That's wrong.</p> <p>25 I met with Judge Somers, I said that's</p>	<p style="text-align: right;">Page 103</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And the 48th District Court was in your region,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. And you told me in our last session that you were</p> <p>7 aware there was a civil case filed by a former clerk</p> <p>8 of the 48th District Court alleging improper</p> <p>9 termination and defamation, correct?</p> <p>10 A. Correct.</p> <p>11 Q. You told me in our last session you didn't know about</p> <p>12 the civil case until after the fact, correct?</p> <p>13 A. Correct.</p> <p>14 Q. When you said that, did you mean after the civil case</p> <p>15 had been initiated or did you mean after the judgment</p> <p>16 had been entered?</p> <p>17 A. I learned about it from reading about it in the</p> <p>18 newspaper, so, I believe that was after the judgment.</p> <p>19 Q. And did you file a grievance against Judge Barron?</p> <p>20 A. No.</p> <p>21 Q. Why not?</p> <p>22 A. It was already public knowledge. The Tenure</p> <p>23 Commission can start cases on their own. I figured</p> <p>24 they could have read the newspaper too. I didn't see</p> <p>25 the need for me to initiate anything.</p>

1 Again personnel issue, no firsthand
2 knowledge on my part.
3 Q. And you said it was also because you felt the JTC
4 already knew or could know about it, correct?
5 A. Correct.
6 Q. So, there's no need for you to bring it to their
7 attention again, correct?
8 A. Correct.
9 Q. And not to put words in your mouth but I would ask you
10 the same question about Judge Small. Would your
11 answer be the same?
12 A. Yes, it would.
13 Q. And what did you do to prepare for the continuation of
14 your deposition today?
15 A. I talked to the Assistant Attorney General for about
16 five minutes yesterday.
17 MR. HIRSCH: I have nothing further. Thank
18 you.
19 MS. MILLER: I don't have anything.
20 MS. TERPSMA: Neither do I.
21 (The deposition was concluded at 10:08 a.m.
22 Signature of the witness was not requested by
23 counsel for the respective parties hereto.)
24
25

1 CERTIFICATE OF NOTARY
2 STATE OF MICHIGAN)
3) SS
4 COUNTY OF WAYNE)
5
6 I, Nora Morrissy, certify that this
7 deposition was taken before me on the date
8 hereinbefore set forth; that the foregoing questions
9 and answers were recorded by me stenographically and
10 reduced to computer transcription; that this is a
11 true, full and correct transcript of my stenographic
12 notes so taken; and that I am not related to, nor of
13 counsel to, either party nor interested in the event
14 of this cause.
15
16
17
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21
22 Nora Morrissy, CSR-2642
23 Notary Public,
24 Wayne, County, Michigan.
25 My Commission expires: 9-13-19



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